

Representative Hall, Atlanta, Georgia**Thursday, March 2, 2006**

The House met pursuant to adjournment at 10:00 o'clock, A.M., this day and was called to order by the Speaker.

The roll was called and the following Representatives answered to their names:

E Abdul-Salaam	Coleman, B	Hembree	Marin	Shaw
Amerson	Cox	Hill, C	Maxwell	Sims, C
E Anderson	Cummings	Hill, C.A	E McClinton	Sims, F
Ashe	E Day	Holmes	Meadows	Smith, L
Barnard	Dickson	Holt	E Millar	Smith, P
Bearden	Dodson	Horne	Mills	Smith, R
Benton	Dollar	Howard, E	Morris	Smith, T
Borders	Drenner	E Hudson	Mosley	Smith, V
Bridges	Dukes	Hugley	Mumford	Smyre
Brooks	Ehrhart	Jackson	Murphy, J	Stephens
Bryant	England	James	Murphy, Q	Talton
Buckner, D	Everson	Jamieson	Neal	Teilhet
Buckner, G	Fleming	Jenkins	O'Neal	Thomas, B
Burkhalter	Floyd, J	Jennings	Parham	Tumlin
Burmeister	Franklin	Jones, J	Parrish	E Walker
Burns	Freeman	Jones, S	Parsons	Warren
Butler	Gardner	Keown	Porter	Watson
Byrd	Graves, D	Knox	Randall	Wilkinson
Carter	Greene	Lakly	Reese	Williams, A
Casas	Hanner	Lane, B	Roberts	Williams, E
Chambers	Harbin	Lane, R	Rynders	Williams, R
Channell	Hatfield	Lewis	Scheid	Yates
Cheokas	Heard, J	Lindsey	Scott, M	Richardson,
Cole	Heard, K	Lord	Setzler	Speaker

The following members were off the floor of the House when the roll was called:

Representatives Beasley-Teague of the 65th, Black of the 174th, Bordeaux of the 162nd, Bruce of the 64th, Cooper of the 41st, Crawford of the 127th, Davis of the 109th, Dean of the 59th, Floyd of the 99th, Forster of the 3rd, Geisinger of the 48th, Golick of the 34th, Graves of the 12th, Henson of the 87th, Houston of the 170th, Jordan of the 77th, Keen of the 179th, Kidd of the 115th, Loudermilk of the 14th, Lucas of the 139th, Lunsford of the 110th, Maddox of the 172nd, Mangham of the 94th, Manning of the 32nd, Martin of the 47th, McCall of the 30th, Mitchell of the 88th, Mosby of the 90th, Oliver of the 83rd, Powell of the 29th, Ralston of the 7th, Reece of the 27th, Reece of the 11th, Rogers of the 26th, Royal of the 171st, Sailor of the 93rd, Scott of the 153rd, Sheldon of the 105th, Sinkfield of the 60th, Stanley-Turner of the 53rd, Stephenson of the 92nd, Thomas of the 55th, Willard of the 49th, and Wix of the 33rd.

They wish to be recorded as present.

Prayer was offered by Dr. Richard Haynes, Salem Missionary Baptist Church, Lilburn, Georgia.

The members pledged allegiance to the flag.

Representative Heard of the 104th, Chairman of the Committee on Information and Audits, reported that the Journal of the previous legislative day had been read and found to be correct.

By unanimous consent, the reading of the Journal was dispensed with.

The Journal was confirmed.

By unanimous consent, the following was established as the order of business during the first part of the period of unanimous consents:

1. Introduction of Bills and Resolutions.
2. First reading and reference of House Bills and Resolutions.
3. Second reading of Bills and Resolutions.
4. Reports of Standing Committees.
5. Third reading and passage of Local uncontested Bills.
6. First reading and reference of Senate Bills and Resolutions.

By unanimous consent, the following Bills and Resolutions of the House were introduced, read the first time and referred to the Committees:

HB 1494. By Representatives Smith of the 113th and Holt of the 112th:

A BILL to be entitled an Act to create a board of elections and registration for Morgan County and to provide for its powers and duties; to provide for definitions; to provide for the composition of the board and the selection and appointment of members; to provide for the qualification and terms of members; to provide for employees of the board; to provide for meetings, procedures, and vacancies; to relieve certain officers of powers and duties and to provide for the transfer of functions to the newly created board; to provide for compensation of personnel; to provide for offices and equipment;

to provide for construction; to provide for the board's performance of certain functions and duties for certain municipalities; to provide for the submission of this Act for approval pursuant to Section 5 of the federal Voting Rights Act of 1965, as amended; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

HB 1499. By Representative Cheokas of the 134th:

A BILL to be entitled an Act to amend an Act creating the State Court of Sumter County, approved November 22, 1900 (Ga. L. 1900, p. 93), as amended, so as to provide that on and after January 1, 2007, the district attorney of the judicial circuit within which Sumter County is located shall represent the state in all criminal prosecutions brought in the State Court of Sumter County and shall perform the duties of the office of solicitor-general of the state court; to provide for the powers, duties, and responsibilities of said district attorney in such state court; to authorize the establishment of a state court division by said district attorney; to provide for the assignment, appointment, and compensation of personnel by said district attorney; to provide for annual budgets; to provide for definitions and references; to provide for submission to the Justice Department for preclearance; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

HB 1500. By Representative Bearden of the 68th:

A BILL to be entitled an Act to provide for a short title; to amend Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to juvenile proceedings, so as to create different standards and penalties for designated felony acts; to change provisions relating to designated felony acts; to include certain crimes as a designated felony act under certain circumstances; to provide for court ordered competency evaluations under certain circumstances; to provide for certain information to be given to children who waive the right to counsel; to reorganize the elements of Chapter 11 applicable to designated felony acts and related matters; to change provisions relating to the contents of a petition alleging delinquency or unruliness; to amend Title 49 of the Official Code of Georgia Annotated, relating to social services, to correct a cross-reference; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

HB 1501. By Representatives Lindsey of the 54th and Wilkinson of the 52nd:

A BILL to be entitled an Act to amend Title 36 of the Official Code of Georgia Annotated, relating to local government, so as to change provisions relating to the maximum fines which may be imposed for violations of county ordinances and which may be imposed by municipal courts; to change provisions relating to the maximum fines which may be specified by municipalities exercising home rule powers; to specifically authorize counties and municipalities to adopt ordinances relating to alcoholic beverages specifying fines up to a certain maximum amount; to provide for such provisions to control over conflicting provisions of local laws; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

HB 1502. By Representatives Royal of the 171st, O'Neal of the 146th and Roberts of the 154th:

A BILL to be entitled an Act to amend Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad valorem taxation of property, so as to provide for additional powers, duties, and authority of the state revenue commissioner with respect to property appraisal and assessment; to change certain provisions relating to bona fide conservation use covenants; to change certain provisions regarding appointment of members of county boards of tax assessors; to change certain provisions regarding qualifications of members of county boards of tax assessors; to change certain provisions regarding eligibility and terms of office of members of county boards of tax assessors; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

HB 1503. By Representatives Bridges of the 10th, Reece of the 27th and Jenkins of the 8th:

A BILL to be entitled an Act to authorize the Magistrate Court of White County to charge a technology fee for each civil case filed and criminal fine imposed; to specify the uses to which said technology fees may be put; to provide for review and reports; to provide for adjustment of such fee; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

- HB 1504. By Representatives Bridges of the 10th, Reece of the 27th and Jenkins of the 8th:

A BILL to be entitled an Act to authorize the Probate Court of White County to charge a technology fee for each civil case filed and criminal fine imposed; to specify the uses to which said technology fees may be put; to provide for review and reports; to provide for adjustment of such fee; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

- HB 1505. By Representatives Heckstall of the 62nd, Holmes of the 61st, Williams of the 89th, Jordan of the 77th and Johnson of the 37th:

A BILL to be entitled an Act to amend Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to general provisions applicable to counties and municipal corporations, so as to require certain counties and municipalities within such counties that license or regulate taxicabs to require as a condition of licensure or operation within such jurisdiction to have certain safety equipment installed in each taxicab; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Governmental Affairs.

- HB 1508. By Representatives Stephens of the 164th, Smith of the 13th and Benton of the 31st:

A BILL to be entitled an Act to amend Code Section 8-2-25 of the Official Code of Georgia Annotated, relating to state-wide application of minimum standard codes, so as to provide that the governing authority of any municipality or county in this state is authorized to exempt by ordinance or resolution compliance with the provisions contained in Section 17 of the International Building Code relating to earthquakes; provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Governmental Affairs.

- HB 1510. By Representative Fleming of the 117th:

A BILL to be entitled an Act to amend Chapter 33 of Title 31 of the Official Code of Georgia Annotated, relating to health records, so as to authorize certain individuals to obtain patient records; to change certain provisions relating to furnishing a copy of records to patient, provider, or other

authorized person; to provide for compliance with the federal Health Insurance Portability and Accountability Act of 1996; to provide for a time period in which records shall be produced in response to a valid request; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Special Committee on Civil Justice Reform.

HB 1511. By Representative Scheid of the 22nd:

A BILL to be entitled an Act to amend Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to income taxes, so as to provide for an exclusion from state income taxation with respect to certain unemployment compensation, to provide for conditions and limitations; to provide an effective date; to provide for applicability; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

HB 1512. By Representatives Mumford of the 95th and Holt of the 112th:

A BILL to be entitled an Act to amend Article 2 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to offenses against public order, so as to provide for the crime of unlawful conduct during 911 telephone calls; to provide for criminal penalties; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

HB 1513. By Representatives Benfield of the 85th, Oliver of the 83rd, Porter of the 143rd and Hugley of the 133rd:

A BILL to be entitled an Act to amend Article 3 of Chapter 2 of Title 46 of the O.C.G.A., relating to investigations and hearings of the Public Service Commission, so as to prohibit communications between a member of the Public Service Commission or the commission's advisory staff and a party to a proceeding pending before the commission, the director of the consumers' utility counsel division, a representative of a party to a proceeding pending before the commission, and public and elected officials; to provide that communications between members of the commission or members of the commission's advisory staff are not prohibited; to provide that communications between members of the commission or members of the commission's advisory staff and the director of the consumers' utility counsel division on administrative matters are not prohibited; to provide for related

matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Public Utilities & Telecommunications.

HB 1514. By Representatives Mitchell of the 88th, Watson of the 91st, Stephenson of the 92nd, Mangham of the 94th, Sailor of the 93rd and others:

A BILL to be entitled an Act to provide for the filling of vacancies in the office of sheriff of DeKalb County; to provide that the chief deputy shall discharge the duties of sheriff until such office is filled; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

HB 1515. By Representatives Lane of the 167th, Keen of the 179th and Hill of the 180th:

A BILL to be entitled an Act to provide for the creation of a community improvement district in Glynn County; to provide for a short title; to provide for the purposes of said district; to provide for definitions; to provide for a board to administer said district; to provide for the appointment and election of members of said board; to provide for taxes, fees, and assessments; to provide for the boundaries of said district; to provide for debt of said district other than bonded indebtedness; to provide for cooperation with local governments; to provide for powers of said board; to provide for construction; to provide that no notice, proceeding, publication, or referendum shall be required; to provide for dissolutions; to provide the procedures connected with all of the foregoing; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

HR 1608. By Representative Sims of the 169th:

A RESOLUTION commemorating the achievements and sacrifice made by Lieutenant Rudolph McKinnon and renaming the Satilla River Bridge on Highway 135 West in Douglas, Georgia, the Lieutenant Rudolph McKinnon, USN, Memorial Bridge; and for other purposes.

Referred to the Committee on Transportation.

- HR 1609. By Representatives Dodson of the 75th, Barnes of the 78th, Davis of the 109th, Jordan of the 77th and Buckner of the 76th:

A RESOLUTION dedicating a portion of Georgia Highway 138 in Henry County as the Lake Spivey Parkway; and for other purposes.

Referred to the Committee on Transportation.

- HR 1634. By Representatives Scheid of the 22nd, Stephens of the 164th, Lane of the 158th, Porter of the 143rd and Coleman of the 144th:

A RESOLUTION proposing an amendment to the Constitution so as to authorize the governing authority of any county or municipality, subject to referendum approval, to exempt from ad valorem taxation, in whole or in part, inventories of retail furniture businesses; to provide for procedures, conditions, and limitations; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

Referred to the Committee on Ways & Means.

- HR 1635. By Representatives Geisinger of the 48th, Lewis of the 15th, Burkhalter of the 50th, Murphy of the 23rd, Martin of the 47th and others:

A RESOLUTION requesting the Southern States Energy Board to inventory and study the possibility of exploring for natural gas in the coastal areas of Georgia; and for other purposes.

Referred to the Committee on Public Utilities & Telecommunications.

- HR 1636. By Representatives Geisinger of the 48th, Lewis of the 15th, Burkhalter of the 50th, Murphy of the 23rd, Martin of the 47th and others:

A RESOLUTION urging Congress and the President to remove the moratorium on offshore oil and gas drilling; and for other purposes.

Referred to the Committee on Public Utilities & Telecommunications.

By unanimous consent, the rules were suspended in order that the following Bills of the House could be introduced, read the first time and referred to the Committees:

- HB 1536. By Representatives Chambers of the 81st, Geisinger of the 48th and Wilkinson of the 52nd:

A BILL to be entitled an Act to amend Code Section 32-9-2 of the Official Code of Georgia Annotated, relating to financial assistance by the Department of Transportation to mass transportation systems, so as to provide that any mass transportation system whose primary goal is the movement of passengers on a fixed route bus or rail transit system, which system receives state financial assistance through any of the various means available to the State of Georgia to provide for same, shall provide free transfers between and among other transit agencies which connect to said systems; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Special Committee on MARTOC.

HB 1542. By Representative Ralston of the 7th:

A BILL to be entitled an Act to amend Chapter 41 of Title 43 of the Official Code of Georgia Annotated, relating to residential and general contractors, so as to extend the date by which the licensing requirements imposed by the chapter become effective; to extend the date by which persons must meet and apply to be licensed without examination; to change provisions relating to licensure involving a reciprocal agreement; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Regulated Industries.

HB 1546. By Representatives Lunsford of the 110th, Lewis of the 15th and Smith of the 113th:

A BILL to be entitled an Act to amend Article 1 of Chapter 2 of Title 12 of the O.C.G.A., relating to general provisions relative to the Department of Natural Resources, so as to provide that evaluations and reports of licensed soil scientists shall be accepted by the Department of Natural Resources for certain purposes; to define certain terms; to amend Code Section 31-3-5 of the O.C.G.A., relating to functions of county boards of health, so as to provide that evaluations and reports of licensed soil scientists shall be accepted by county boards of health for certain purposes; to provide for certifications of certain reports by licensed soil scientists and other persons qualified to conduct soil evaluations for on-site sewage management systems; to amend Title 43 of the O.C.G.A., relating to professions and businesses, so as to regulate the practice of soil science; to provide for related matters; to provide a contingent effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Public Utilities & Telecommunications.

HB 1547. By Representative Lunsford of the 110th:

A BILL to be entitled an Act to amend Part 1 of Article 2 of Chapter 8 of Title 12 of the Official Code of Georgia Annotated, relating to general provisions relative to solid waste management, so as to change certain provisions relating to permits for solid waste or special solid waste handling, disposal, or thermal treatment technology facilities and inspection of solid waste generators; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Public Utilities & Telecommunications.

HB 1549. By Representatives Manning of the 32nd and Watson of the 91st:

A BILL to be entitled an Act to amend Title 43 of the O.C.G.A., relating to professions and businesses, so as to provide for the prequalification and licensing of individuals and companies to conduct or design hazardous site investigations, site assessments, feasibility studies, remedial programs, and corrective action plans and to carry out cleanup of hazardous sites; to define such persons as licensed environmental professionals and provide for their qualifications, licensure, and regulation; to define terms; to state findings and intent; to provide for a licensing and regulatory board and its membership, powers, duties, and operations; to provide for related functions and operations of the Department of Natural Resources and its Environmental Protection Division; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Natural Resources & Environment.

HB 1550. By Representatives Manning of the 32nd and Watson of the 91st:

A BILL to be entitled an Act to amend Chapter 8 of Title 12 of the O.C.G.A., relating to waste management, so as to change provisions relating to rehabilitation of brownfields property; to enact the "Georgia Brownfields Rescue, Redevelopment, Community Revitalization, and Environmental Justice Act"; to state legislative findings; to define terms; to encourage the voluntary rehabilitation of property with a presence or suspected presence of hazardous substances, pollutants, or contaminants; to authorize the limitation of liability of persons carrying out such rehabilitation under certain conditions and compliance with program standards; to provide for a Brownfields Program Section within the Environmental Protection Division of the Department of Natural Resources; to create the Brownfields

Interagency Task Force; to provide for rules and regulations; to create a Brownfields Revitalization Fund and provide sources of funding therefor; to provide for other related matters; to provide a contingent effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Natural Resources & Environment.

HB 1551. By Representatives Manning of the 32nd and Watson of the 91st:

A BILL to be entitled an Act to amend Title 48 of the Official Code of Georgia Annotated, the "Georgia Public Revenue Code," so as to change provisions relating to taxation of brownfields property which has been rehabilitated after a release of hazardous waste, hazardous constituents, or hazardous substances; to change provisions relating to preferential assessment of brownfields property for ad valorem tax purposes; to provide for an income tax credit with respect to certain expenses of rehabilitation of brownfields property; to provide for other related matters; to provide for a contingent effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

By unanimous consent, the following Bills and Resolutions of the House and Senate were read the second time:

HB 1471	HB 1496
HB 1472	HB 1497
HB 1473	HB 1498
HB 1474	HB 1506
HB 1475	HB 1507
HB 1476	HB 1509
HB 1477	HR 1555
HB 1478	HR 1558
HB 1479	HR 1559
HB 1480	HR 1560
HB 1481	HR 1565
HB 1482	HR 1604
HB 1483	HR 1605
HB 1484	HR 1607
HB 1485	HR 1610
HB 1486	SB 376
HB 1487	SB 413
HB 1488	SB 419
HB 1489	SB 427

HB 1490
HB 1491
HB 1492
HB 1493
HB 1495

SB 454
SB 456
SB 522
SB 577

Representative Manning of the 32nd District, Chairman of the Committee on Children and Youth, submitted the following report:

Mr. Speaker:

Your Committee on Children and Youth has had under consideration the following Resolution of the House and has instructed me to report the same back to the House with the following recommendation:

HR 1079 Do Pass, by Substitute

Respectfully submitted,
/s/ Manning of the 32nd
Chairman

Representative Fleming of the 117th District, Chairman of the Committee on Civil Justice Reform, submitted the following report:

Mr. Speaker:

Your Committee on Civil Justice Reform has had under consideration the following Bills of the House and has instructed me to report the same back to the House with the following recommendations:

HB 239 Do Pass, by Substitute
HB 925 Do Pass

Respectfully submitted,
/s/ Fleming of the 117th
Chairman

Representative Coan of the 101st District, Chairman of the Committee on Industrial Relations, submitted the following report:

Mr. Speaker:

Your Committee on Industrial Relations has had under consideration the following Bill of the House and has instructed me to report the same back to the House with the following recommendation:

HB 1405 Do Pass

Respectfully submitted,
/s/ Coan of the 101st
Chairman

Representative Knox of the 24th District, Chairman of the Committee on Insurance, submitted the following report:

Mr. Speaker:

Your Committee on Insurance has had under consideration the following Bill of the House and has instructed me to report the same back to the House with the following recommendation:

HB 1444 Do Pass

Respectfully submitted,
/s/ Knox of the 24th
Chairman

Representative Ralston of the 7th District, Chairman of the Committee on Judiciary Non-Civil, submitted the following report:

Mr. Speaker:

Your Committee on Judiciary Non-Civil has had under consideration the following Bills of the House and has instructed me to report the same back to the House with the following recommendations:

HB 987 Do Pass
HB 1320 Do Pass, by Substitute

Respectfully submitted,
/s/ Ralston of the 7th
Chairman

Representative Neal of the 1st District, Vice-Chairman of the Committee on Public Safety, submitted the following report:

Mr. Speaker:

Your Committee on Public Safety has had under consideration the following Resolution of the House and has instructed me to report the same back to the House with the following recommendation:

HR 1538 Do Pass

Respectfully submitted,
/s/ Neal of the 1st
Vice-Chairman

Representative Williams of the 4th District, Chairman of the Committee on Regulated Industries, submitted the following report:

Mr. Speaker:

Your Committee on Regulated Industries has had under consideration the following Bills of the House and has instructed me to report the same back to the House with the following recommendations:

HB 1385 Do Pass, by Substitute
HB 1445 Do Pass, by Substitute

Respectfully submitted,
/s/ Williams of the 4th
Chairman

Representative Bridges of the 10th District, Chairman of the Committee on Retirement, submitted the following report:

Mr. Speaker:

Your Committee on Retirement has had under consideration the following Bills of the House and has instructed me to report the same back to the House with the following recommendations:

HB 483 Do Pass
HB 582 Do Pass, by Substitute
HB 651 Do Pass

Respectfully submitted,
/s/ Bridges of the 10th
Chairman

The following Resolutions of the House, referred to the House Rules Subcommittee on Invites, were reported by the Committee on Rules with the following recommendations:

HR 1285 Do Pass

HR 1489 Do Pass

Representative Smith of the 168th District, Chairman of the Committee on State Planning and Community Affairs, submitted the following report:

Mr. Speaker:

Your Committee on State Planning and Community Affairs has had under consideration the following Bill of the House and has instructed me to report the same back to the House with the following recommendation:

HB 1412 Do Pass, by Substitute

Respectfully submitted,
/s/ Smith of the 168th
Chairman

Representative Smith of the 168th District, Chairman of the Committee on State Planning and Community Affairs, submitted the following report:

Mr. Speaker:

Your Committee on State Planning and Community Affairs - Local Legislation has had under consideration the following Bills of the House and has instructed me to report the same back to the House with the following recommendations:

HB 1449 Do Pass

HB 1450 Do Pass

HB 1457 Do Pass

HB 1469 Do Pass

Respectfully submitted,
/s/ Smith of the 168th
Chairman

The following report of the Committee on Rules was read and adopted:

HOUSE RULES CALENDAR
THURSDAY, MARCH 2, 2006

Mr. Speaker and Members of the House:

The Committee on Rules has fixed the calendar for this 26th Legislative Day as enumerated below:

DEBATE CALENDAR

Open Rule

HB 801	Physical therapists; licenses; eliminate certain requirement
HB 847	Juvenile proceedings; emancipation of minors by petition
HB 1105	Contracting business; documentation of full-time engagement; provisions
HB 1253	Drivers' licenses; certain provisions; clarify
HB 1257	Insurance; certain change of address filings; exempt from fee
HB 1275	Commercial driver's license; violation; provide for revocation
HB 1288	Municipal court clerks; required training; provide
HB 1308	Nursing homes; fees; change certain provisions
HB 1326	State-wide Reserve Ratio; contribution rates; change certain provisions

Modified Open Rule

HB 1162	Department of Community Affairs; Section 8 housing fraud; require investigation
HB 1358	Quality Basic Education Act; class size requirements; change provisions

Modified Structured Rule

None

Structured Rule

HB 1014	Sales and use tax; government contractor; automatic repeal date; extend
HB 1018	Sales and use tax; biomass material; certain exemptions; provide
HB 1187	Appraisal; county staff; change certain provisions
HB 1310	Revenue and taxation; comprehensive revision of provisions; provide
HB 1319	Georgia Environmental Facilities Authority; change certain provisions

Bills and Resolutions on this calendar may be called in any order the Speaker desires.

Respectfully submitted,
/s/ Ehrhart of the 36th
Chairman

By unanimous consent, the following Bills of the House were taken up for consideration and read the third time:

HB 1449. By Representative Bridges of the 10th:

A BILL to be entitled an Act to amend an Act providing for the election of the members of the board of education of Habersham County, approved March 5, 1976 (Ga. L. 1976, p. 2708), as amended, so as to change certain provisions regarding the compensation of the members of such board; to provide for the specific repeal of an amendatory Act thereto, an Act approved May 6, 2005 (Ga. L. 2005, p. 3969); to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 1450. By Representative Bridges of the 10th:

A BILL to be entitled an Act to provide for a homestead exemption from City of Demorest ad valorem taxes for municipal purposes in the amount of \$20,000.00 of the assessed value of the homestead for residents of that city who are 65 years of age or over; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 1457. By Representatives Cox of the 102nd, Casas of the 103rd, Everson of the 106th, Rice of the 51st, Floyd of the 99th and others:

A BILL to be entitled an Act to amend an Act to continue and re-create the State Court of Gwinnett County, approved March 23, 1977 (Ga. L. 1977, p. 3331), as amended, so as to change the terms of court; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 1469. By Representative Sims of the 169th:

A BILL to be entitled an Act to amend an Act creating a new charter for the City of Willacoochee, approved December 22, 1953 (Ga. L. 1953, Nov.-Dec. Sess., p. 3039), as amended, so as to authorize the mayor and aldermen to impose a gross receipts tax; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

By unanimous consent, the following roll call vote was made applicable to the previously read Bills.

On the passage of the Bills, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Hill, C.A	Martin	Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
E Anderson	Davis	Y Holt	Y May	Y Scott, A
Y Ashe	E Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Dean	Y Houston	E McClinton	Y Setzler
Barnes	Y Dickson	Y Howard, E	Y Meadows	Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
Beasley-Teague	Y Dollar	Y Hugley	Mills	Y Sims, C
Benfield	Y Drenner	Y Jackson	Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Y Sinkfield
Y Black	Y Ehrhart	Y James	Morris	Smith, B
Y Bordeaux	England	Y Jamieson	Y Mosby	Y Smith, L
Y Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Y Fludd	Y Jordan	Y Oliver	Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	E Orrock	Y Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Parham	Y Talton
Y Burmeister	Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Thomas, A.M
Y Butler	Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Lewis	Randall	Y Warren
Y Chambers	Hanner	Y Lindsey	Y Ray	Watson
Y Channell	Y Harbin	Y Lord	Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Reece, S	Y Willard
Y Coan	Y Heard, J	Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Heckstall	Maddox	Y Roberts	Y Williams, R
Coleman, T	Y Hembree	Mangham	Y Rogers	Wix
Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bills, the ayes were 137, nays 0.

The Bills, having received the requisite constitutional majority, were passed.

Representatives England of the 108th, Lewis of the 15th, and Maddox of the 172nd stated that they had been called from the floor of the House during the preceding roll call. They wished to be recorded as voting "aye" thereon.

The following message was received from the Senate through Mr. Ewing, the Secretary thereof:

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following bills of the Senate:

SB 370. By Senators Goggans of the 7th, Kemp of the 46th, Bulloch of the 11th, Tolleson of the 20th, Unterman of the 45th and others:

A BILL to be entitled an Act to amend Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to prestige license plates and special plates for certain persons and vehicles, so as to provide for a special license plate promoting agriculture in Georgia; to provide for issuance, renewal, fees, licensing agreements, applications, donation of revenue, and transfers relative to such special license plates; to provide for related matters; to provide for a contingent effective date; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

SB 423. By Senators Unterman of the 45th, Mullis of the 53rd and Thomas of the 54th:

A BILL to be entitled an Act to amend Chapter 44 of Title 31 of the Official Code of Georgia Annotated, relating to renal disease facilities, so as to provide a short title; to revise a definition for purposes of conformity; to revise certain provisions relating to the adoption of rules relative to end stage renal disease facilities and personnel thereof; to revise certain provisions relating to minimum standards for curricula, instructors, and training dialysis and reuse technicians; to amend Title 43 of the Official Code of Georgia Annotated, relating to regulation of professions and businesses, so as to add a new Chapter 30A regulating patient care dialysis technicians; to provide for definitions; to provide for licensing requirements for patient care dialysis technicians; to provide for the renewal and reinstatement of licenses; to provide for powers of the Georgia Board of Nursing relating to the regulation

of patient care dialysis technicians; to provide for authorized activities of patient care dialysis technicians; to provide for delegation of dialysis care by a registered professional nurse to a patient care dialysis technician; to provide for the use of titles and other indications of licensure; to provide for applications under oath; to provide for the creation, composition, and duties of the Patient Care Dialysis Technician Advisory Council; to provide for disciplinary actions; to provide for violations; to provide for actions to enjoin; to provide for administrative procedures; to revise certain provisions relating to the nonapplicability of Code Section 43-34-177 for purposes of conformity; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

SB 484. By Senator Bulloch of the 11th:

A BILL to be entitled an Act to amend Article 3 of Chapter 3 of Title 50 of the Official Code of Georgia Annotated, relating to other state symbols, so as to declare the City of Colquitt as Georgia's First Mural City; and for other purposes.

SB 504. By Senator Balfour of the 9th:

A BILL to be entitled an Act to amend Code Section 50-16-38 of the Official Code of Georgia Annotated, relating to acquisition of state property through the State Properties Commission, so as to provide that certain state entities shall sell and make long-term leases of property through the State Properties Commission; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 515. By Senators Moody of the 56th, Weber of the 40th, Douglas of the 17th, Starr of the 44th and Thomas of the 54th:

A BILL to be entitled an Act to amend Part 3 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to educational programs under the "Quality Basic Education Act," so as to expand the grades of eligibility for the remedial education program; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 535. By Senators Hamrick of the 30th, Miles of the 43rd, Hudgens of the 47th, Bulloch of the 11th and Seabaugh of the 28th:

A BILL to be entitled an Act to amend Part 5 of Article 3 of Chapter 12 of Title 44 of the Official Code of Georgia Annotated, relating to pawnbrokers, so as to define terms; to require registration with the Governor's Office of

Consumer Affairs; to provide for notification of repossession of a motor vehicle; to provide for redemption of the motor vehicle; to provide for a commercially reasonable sale; to provide for a return of surplus from the sale to the pledgor; to require a mandatory principal payment in certain situations; to provide for additional disclosures on motor vehicle title pawn tickets; to provide procedures for military members and their spouses; to provide for related matters; to provide for severability; to provide for an effective date; to repeal conflicting laws; and for other purposes.

SB 589. By Senators Staton of the 18th and Grant of the 25th:

A BILL to be entitled an Act to amend an Act creating a Board of Education of Jones County, approved March 21, 1984 (Ga. L. 1984, p. 4459), as amended, particularly by an Act approved May 30, 2003 (Ga. L. 2003, p. 3836), so as to provide for the election of members of the Board of Education of Jones County in nonpartisan elections; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate has passed by the requisite constitutional majority the following bills of the House:

HB 1107. By Representatives Roberts of the 154th, Golick of the 34th, Smith of the 129th, Maddox of the 172nd, Smith of the 70th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to the imposition, rate, and computation of income tax, so as to provide for income tax credits with respect to qualified donations of real property for conservation purposes; to provide for definitions; to provide for conditions, limitations, and exclusions; to provide for authority of the state revenue commissioner and the Department of Natural Resources with respect to the foregoing; to provide an effective date; to provide for applicability; to repeal conflicting laws; and for other purposes.

HB 1124. By Representatives England of the 108th and Benton of the 31st:

A BILL to be entitled an Act to provide an additional homestead exemption from Barrow County school district ad valorem taxes for educational purposes in the amount of \$60,000.00 of the assessed value of the homestead after a four-year phase-in period for residents of that school district who are 62 years of age or over and whose federal total income does not exceed certain federally specified poverty guidelines; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to

provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

HB 1334. By Representatives Heard of the 114th, Kidd of the 115th and Smith of the 113th:

A BILL to be entitled an Act to authorize Athens-Clarke County to exercise all redevelopment and other powers under Article IX, Section II, Paragraph VII of the Constitution and Chapter 44 of Title 36 of the O.C.G.A., the "Redevelopment Powers Law," as amended; to provide for a referendum; to provide effective dates; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

The Senate has passed, by substitute, by the requisite constitutional majority, the following bill of the House:

HB 1321. By Representatives Burkhalter of the 50th, Rice of the 51st, Willard of the 49th and Jones of the 46th:

A BILL to be entitled an Act to incorporate the City of Johns Creek in Fulton County, Georgia; to provide a charter for the City of Johns Creek; to provide for incorporation, boundaries, and powers of the city; to provide for a governing authority of such city and the powers, duties, authority, election, terms, method of filling vacancies, compensation, qualifications, prohibitions, and removal from office relative to members of such governing authority; to provide for inquiries and investigations; to provide for organization and procedures; to provide for ordinances and codes; to provide for the offices of mayor and city manager and certain duties and powers relative to those offices; to provide for administrative responsibilities; to repeal conflicting laws; and for other purposes.

By unanimous consent, the following Bills of the Senate were read the first time and referred to the Committees:

SB 370. By Senators Goggans of the 7th, Kemp of the 46th, Bulloch of the 11th, Tolleson of the 20th, Unterman of the 45th and others:

A BILL to be entitled an Act to amend Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to prestige license plates and special plates for certain persons and vehicles, so as to provide for a special license plate promoting agriculture in Georgia; to provide for issuance, renewal, fees, licensing agreements, applications, donation of revenue, and transfers relative to such special license plates; to provide for

related matters; to provide for a contingent effective date; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Motor Vehicles.

SB 423. By Senators Unterman of the 45th, Mullis of the 53rd and Thomas of the 54th:

A BILL to be entitled an Act to amend Chapter 44 of Title 31 of the Official Code of Georgia Annotated, relating to renal disease facilities, so as to provide a short title; to revise a definition for purposes of conformity; to revise certain provisions relating to the adoption of rules relative to end stage renal disease facilities and personnel thereof; to revise certain provisions relating to minimum standards for curricula, instructors, and training dialysis and reuse technicians; to amend Title 43 of the Official Code of Georgia Annotated, relating to regulation of professions and businesses, so as to add a new Chapter 30A regulating patient care dialysis technicians; to provide for definitions; to provide for licensing requirements for patient care dialysis technicians; to provide for the renewal and reinstatement of licenses; to provide for powers of the Georgia Board of Nursing relating to the regulation of patient care dialysis technicians; to provide for authorized activities of patient care dialysis technicians; to provide for delegation of dialysis care by a registered professional nurse to a patient care dialysis technician; to provide for the use of titles and other indications of licensure; to provide for applications under oath; to provide for the creation, composition, and duties of the Patient Care Dialysis Technician Advisory Council; to provide for disciplinary actions; to provide for violations; to provide for actions to enjoin; to provide for administrative procedures; to revise certain provisions relating to the nonapplicability of Code Section 43-34-177 for purposes of conformity; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Health & Human Services.

SB 484. By Senator Bulloch of the 11th:

A BILL to be entitled an Act to amend Article 3 of Chapter 3 of Title 50 of the Official Code of Georgia Annotated, relating to other state symbols, so as to declare the City of Colquitt as Georgia's First Mural City; and for other purposes.

Referred to the Committee on Special Rules.

SB 504. By Senator Balfour of the 9th:

A BILL to be entitled an Act to amend Code Section 50-16-38 of the Official Code of Georgia Annotated, relating to acquisition of state property through the State Properties Commission, so as to provide that certain state entities shall sell and make long-term leases of property through the State Properties Commission; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Institutions & Property.

SB 515. By Senators Moody of the 56th, Weber of the 40th, Douglas of the 17th, Starr of the 44th and Thomas of the 54th:

A BILL to be entitled an Act to amend Part 3 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to educational programs under the "Quality Basic Education Act," so as to expand the grades of eligibility for the remedial education program; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Education.

SB 535. By Senators Hamrick of the 30th, Miles of the 43rd, Hudgens of the 47th, Bulloch of the 11th and Seabaugh of the 28th:

A BILL to be entitled an Act to amend Part 5 of Article 3 of Chapter 12 of Title 44 of the Official Code of Georgia Annotated, relating to pawnbrokers, so as to define terms; to require registration with the Governor's Office of Consumer Affairs; to provide for notification of repossession of a motor vehicle; to provide for redemption of the motor vehicle; to provide for a commercially reasonable sale; to provide for a return of surplus from the sale to the pledgor; to require a mandatory principal payment in certain situations; to provide for additional disclosures on motor vehicle title pawn tickets; to provide procedures for military members and their spouses; to provide for related matters; to provide for severability; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Banks & Banking.

SB 589. By Senators Staton of the 18th and Grant of the 25th:

A BILL to be entitled an Act to amend an Act creating a Board of Education of Jones County, approved March 21, 1984 (Ga. L. 1984, p. 4459), as

amended, particularly by an Act approved May 30, 2003 (Ga. L. 2003, p. 3836), so as to provide for the election of members of the Board of Education of Jones County in nonpartisan elections; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

The Speaker Pro Tem assumed the Chair.

The following members were recognized during the period of Morning Orders and addressed the House:

Williams of the 165th and Lunsford of the 110th.

The following Resolutions of the House, favorably reported by the Committee on Rules, were read and adopted:

HR 1285. By Representatives Ray of the 136th and James of the 135th:

A RESOLUTION commending the Peach County High School Trojans football team for winning the Class AAA state football championship and inviting them to appear before the House of Representatives; and for other purposes.

HR 1489. By Representatives Rynders of the 152nd, Dukes of the 150th and Sims of the 151st:

A RESOLUTION congratulating Miss Alexa Turpin on winning the 2006 Miss Georgia Teen America Pageant and inviting her to appear before the House of Representatives; and for other purposes.

Under the general order of business, established by the Committee on Rules, the following Bills of the House were taken up for consideration and read the third time:

HB 801. By Representatives McCall of the 30th, Richardson of the 19th and Tumlin of the 38th:

A BILL to be entitled an Act to amend Code Section 43-33-18 of the Official Code of Georgia Annotated, relating to refusal to grant or restore licenses of physical therapists, discipline of licensees, and suspension, revocation, or restriction of licenses, so as to eliminate a requirement for consultation with appropriate licensed practitioners of the healing arts; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend Code Section 43-33-18 of the Official Code of Georgia Annotated, relating to refusal to grant or restore licenses of physical therapists, discipline of licensees, and suspension, revocation, or restriction of licenses, so as to provide for limited circumstances in which physical therapists may provide services without referrals from appropriate licensed practitioners of the healing arts; to provide for circumstances in which physical therapists may treat patients for injuries or conditions that were the subject of prior referrals by appropriate licensed practitioners of the healing arts; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 43-33-18 of the Official Code of Georgia Annotated, relating to refusal to grant or restore licenses of physical therapists, discipline of licensees, and suspension, revocation, or restriction of licenses, is amended in subsection (a) by striking the introductory language and paragraph (1) and inserting in lieu thereof the following:

"(a) The board shall have authority to refuse to grant or restore a license to an applicant or to discipline a physical therapist or physical therapist assistant licensed under this chapter or any antecedent law upon a finding by the board that the licensee or applicant has:

(1)(A) Implemented or continued a program of physical therapy treatment without consultation with an appropriate licensed practitioner of the healing arts, or in, except that a physical therapist may implement a program of physical therapy treatment without consultation with an appropriately licensed practitioner of the healing arts when:

(i) Services are provided for the purpose of fitness, wellness, or prevention that is not related to the treatment of an injury or ailment; or

(ii)(I) The patient was previously diagnosed and received treatment or services for that diagnosis and the patient returns to physical therapy within 60 days of discharge from physical therapy for problems and symptoms that are related to the initial referral to the physical therapist. In such a situation the physical therapist shall notify the original referral source of the return to physical therapy within five business days; and

(II) The physical therapist holds a master or doctorate degree from a professional physical therapy program that is accredited by a national accreditation agency recognized by the United States Department of Education and approved by the Georgia State Board of Physical Therapy or the physical therapist has completed at least two years of practical experience as a licensed physical therapist.

If after 90 days of initiating physical therapy services the physical therapist determines that no substantial progress has been made with respect to the primary complaints of the patient, the physical therapist shall refer the patient to an appropriately licensed practitioner of the healing arts. If at any time the physical therapist has reason to believe that the patient has symptoms or conditions that require treatment or services beyond the scope of practice of the physical therapist, the physical therapist shall refer the patient to an appropriately licensed practitioner of the healing arts; or

(B) In the case of practice as a physical therapist assistant, practiced other than under the supervision and direction of a licensed physical therapist;"

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
E Anderson	Davis	Y Holt	Y May	Scott, A
Y Ashe	E Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	E McClinton	Y Setzler
Barnes	Y Dickson	Y Howard, E	Y Meadows	Shaw
Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Benfield	Y Drenner	Jackson	Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Y Sinkfield
Y Black	Ehrhart	James	Y Morris	Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
Y Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Y Fludd	Y Jordan	Y Oliver	Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	E Orrock	Y Stephenson
Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Burns	Y Geisinger	Y Knox	Y Parsons	Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Hanner	Y Lindsey	Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard

Y Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Coleman, T	Y Hembree	Mangham	Y Rogers	Y Wix
Cooper	Y Henson	Y Manning	Y Royal	Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 149, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

Representatives Burns of the 157th, Cooper of the 41st, Mitchell of the 88th, Scott of the 153rd, Stanley-Turner of the 53rd, and Thomas of the 55th stated that they had been called from the floor of the House during the preceding roll call. They wished to be recorded as voting "aye" thereon.

HB 1018. By Representatives Lewis of the 15th, O'Neal of the 146th, Greene of the 149th, Royal of the 171st, Hanner of the 148th and others:

A BILL to be entitled an Act to amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use tax, so as to provide for an exemption regarding the sale or use of biomass material utilized in the production of electrical power or the coproduction or cogeneration of electrical and steam power which is subsequently sold; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use tax, so as to provide for an exemption regarding the sale or use of biomass material utilized in the production of electrical power or the coproduction or cogeneration of electrical and steam power which is subsequently sold; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use tax, is amended by striking "or" at the end of paragraph (81); by striking the period at the end of paragraph (82) and inserting in it place "; or"; and by

adding a new paragraph immediately following paragraph (82), to be designated paragraph (83), to read as follows:

"(83)(A) The sale or use of biomass material, including pellets or other fuels derived from compressed, chipped, or shredded biomass material, utilized in the production of energy, including without limitation the production of electricity, steam, or the production of electricity and steam, which is subsequently sold.

(B) As used in this paragraph, the term 'biomass material' means organic matter, excluding fossil fuels, including agricultural crops, plants, trees, wood, wood wastes and residues, sawmill waste, sawdust, wood chips, bark chips, and forest thinning, harvesting, or clearing residues; wood waste from pallets or other wood demolition debris; peanut shells; pecan shells; cotton plants; corn stalks; and plant matter, including aquatic plants, grasses, stalks, vegetation, and residues, including hulls, shells, or cellulose containing fibers."

SECTION 2.

This Act shall become effective on July 1, 2006.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
E Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	E Day	Y Horne	McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	E McClinton	Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Y Drenner	Y Jackson	Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Y Sinkfield
Y Black	Ehrhart	Y James	Y Morris	Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
Y Borders	Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Y Fludd	Y Jordan	Y Oliver	Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	E Orrock	Y Stephenson
Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet

Y Burns	Y Geisinger	Y Knox	Y Parsons	Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
E Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A
Cole	Y Heard, K	Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Coleman, T	Y Hembree	Mangham	Y Rogers	Wix
Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 153, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

Representatives Cole of the 125th, Stanley-Turner of the 53rd, and Thomas of the 55th stated that they had been called from the floor of the House during the preceding roll call. They wished to be recorded as voting "aye" thereon.

Representative Lewis of the 15th District, Chairman of the Committee on Public Utilities and Telecommunications, submitted the following report:

Mr. Speaker:

Your Committee on Public Utilities and Telecommunications has had under consideration the following Resolution of the House and has instructed me to report the same back to the House with the following recommendation:

HR 1365 Do Pass

Respectfully submitted,
/s/ Lewis of the 15th
Chairman

Under the general order of business, established by the Committee on Rules, the following Bills of the House were taken up for consideration and read the third time:

HB 1162. By Representatives Fleming of the 117th, Ralston of the 7th, Everson of the 106th, Knox of the 24th and Setzler of the 35th:

A BILL to be entitled an Act to amend Article 1 of Chapter 8 of Title 50 of the Official Code of Georgia Annotated, relating to general provisions concerning the Department of Community Affairs, so as to require the Department of Community Affairs to investigate and refer for prosecution cases of Section 8 housing fraud and abuse; to provide for administrative and civil remedies; to provide for pretrial diversion under certain circumstances for persons accused of Section 8 fraud or abuse; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend Article 1 of Chapter 8 of Title 50 of the Official Code of Georgia Annotated, relating to general provisions concerning the Department of Community Affairs, so as to require the Department of Community Affairs to investigate and refer for prosecution cases of Section 8 housing fraud and abuse; to provide for administrative and civil remedies; to provide for pretrial diversion under certain circumstances for persons accused of Section 8 fraud or abuse; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 8 of Title 50 of the Official Code of Georgia Annotated, relating to general provisions concerning the Department of Community Affairs, is amended by adding a new Code Section 50-8-3.1 to read as follows:

"50-8-3.1.

(a) The department shall have the power and duty to investigate fraud and abuse in the federal Section 8 Housing Choice Voucher Program administered by the department pursuant to 42 U.S.C. Section 1437, et seq.

(b) When cases of criminal fraud or abuse are discovered or detected, the department shall refer such cases where warranted to the district attorney of the county in which the fraud or abuse occurred for prosecution. Such cases shall be prosecuted as violations of Code Section 16-8-3, relating to theft by deception; Code Section 16-10-20, relating to making false statements or writings; Code Section 16-10-71, relating to false swearing; or any other such criminal provision as the district attorney may deem appropriate under the facts and circumstances of the case.

(c) When a case of fraud or abuse is discovered or detected that is not criminal in nature or when a prosecutor declines to prosecute a case referred by the department under this Code section, the department shall have the authority to settle such case on such terms and conditions as the department finds suitable under the facts and

circumstances of the case. In addition, the department shall be authorized to initiate and prosecute civil actions to recoup overpayments or improper payments. The department shall also have the authority to settle such civil cases on such terms and conditions as the department finds suitable under the facts and circumstances of the cases.

(d)(1) Prior to the filing of an accusation or the return of an indictment alleging fraud or abuse in the federal Section 8 Housing Choice Voucher Program administered by the department, a prosecuting attorney may defer further prosecution of such accusation or indictment and shall have the authority to enter into a consent agreement with the individual in which such individual admits to any overpayment, consents to disqualification for such period of time as is or may hereafter be provided by law or by the rules and regulations of the department, and agrees to repay, as restitution, such overpayment. Such agreement may provide for a lump sum repayment, installment payments, formula reduction of benefits, or any combination thereof. Such agreement shall toll the running of the statute of limitations for such offense for the period of the agreement. Prior to entering into such consent agreement with an individual, the prosecuting attorney or his or her designee shall advise such person that he or she may consult with an attorney prior to signing such consent agreement. If the individual so requests, he or she shall be afforded a reasonable amount of time, not to exceed 15 days, to engage or consult an attorney. A consent agreement entered into in accordance with this subsection shall not constitute a criminal charge.

(2) Any such agreement shall be filed in the criminal docket of the court having jurisdiction over the violation without the necessity of the state filing an accusation or an indictment being returned by a grand jury. The clerk shall enter upon the docket 'CONSENT AGREEMENT NOT A CRIMINAL CHARGE.'

(3) Upon successful completion of the terms and conditions of the consent agreement, criminal prosecution of the individual for such offense shall be barred; provided, however, that nothing in this paragraph shall prohibit the state from introducing evidence of such offense as a similar transaction in any subsequent prosecution or for the purpose of impeachment. The successful completion of the terms and conditions of the agreement shall not be considered a criminal conviction.

(4) If the individual fails to comply with the terms of such consent agreement, the state may proceed with a criminal prosecution."

SECTION 2.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

N Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Sailor
Y Amerson	Y Cummings	N Holmes	Y Maxwell	Y Scheid
E Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	E Day	Y Horne	McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	E McClinton	Y Setzler
Y Barnes	Y Dickson	N Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
Beasley-Teague	Y Dollar	N Hugley	Y Mills	Y Sims, C
Y Benfield	Y Drenner	Jackson	Mitchell	Y Sims, F
Y Benton	N Dukes	Y Jacobs	N Morgan	N Sinkfield
Y Black	Ehrhart	Y James	Y Morris	Smith, B
N Bordeaux	Y England	Y Jamieson	N Mosby	Y Smith, L
Y Borders	N Epps	Y Jenkins	Y Mosley	Y Smith, P
Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
N Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	N Murphy, Q	Y Smith, V
Bruce	Y Floyd, J	Y Jones, S	Y Neal	N Smyre
N Bryant	N Fludd	N Jordan	Y Oliver	Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	E Orrock	Y Stephenson
Burkhalter	Freeman	N Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Thomas, A.M
Y Butler	Y Golick	Y Lakly	Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
E Casas	Y Greene	Y Lewis	N Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	N Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	N Lucas	Y Reese	N Williams, A
Y Cole	N Heard, K	Lunsford	Y Rice	N Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Coleman, T	Y Hembree	Mangham	Y Rogers	Wix
Cooper	N Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 130, nays 24.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

Representatives Stanley-Turner of the 53rd and Thomas of the 55th stated that they had been called from the floor of the House during the preceding roll call. They wished to be recorded as voting "aye" thereon.

The Speaker assumed the Chair.

HB 1275. By Representatives Smith of the 129th, Floyd of the 147th, Rynders of the 152nd, Graves of the 12th and Channell of the 116th:

A BILL to be entitled an Act to amend Article 1 of Chapter 8 of Title 16 of the Official Code of Georgia Annotated, relating to theft, so as to provide for the revocation of a commercial driver's license upon violation of Code Sections 16-8-2 through 16-8-9; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend Article 1 of Chapter 8 of Title 16 of the Official Code of Georgia Annotated, relating to theft, so as to provide for the revocation of a commercial driver's license upon violation of Code Sections 16-8-2 through 16-8-9; to amend Code Section 40-5-151 of the Official Code of Georgia Annotated, relating to disqualification from driving, so as to disqualify certain commercial driver's license holders upon conviction of certain offenses; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 8 of Title 16 of the Official Code of Georgia Annotated, relating to theft, is amended by striking paragraph (8) of subsection (a) of Code Section 16-8-12, relating to penalties for violation of Code Sections 16-8-2 through 16-8-9, and inserting in its place a new paragraph (8) to read as follows:

"(8) If the property that was the subject of the theft was a vehicle engaged in commercial transportation of cargo or any appurtenance thereto, including without limitation any such trailer, semitrailer, container, or other associated equipment, or the cargo being transported therein or thereon, by imprisonment for not less than three years nor more than ten years, a fine not less than \$5,000.00 nor more than \$50,000.00, and, if applicable, the revocation of the defendant's commercial driver's license in accordance with Code Section 40-5-151, or both such fine and imprisonment any combination of such penalties. For purposes of this paragraph, the term 'vehicle' includes without limitation any railcar."

SECTION 2.

Code Section 40-5-151 of the Official Code of Georgia Annotated, relating to disqualification from driving, is amended by striking subsection (a) and inserting in lieu thereof the following:

"(a) Any person is disqualified from driving a commercial motor vehicle for a period of not less than one year:

(1) If convicted of a first violation of:

(A) Any offense specified in Code Section 40-5-54 that occurs while the person is driving or being in actual physical control of a moving commercial motor vehicle or a moving noncommercial vehicle;

(B) Driving or being in actual physical control of a moving commercial motor vehicle while there is 0.04 percent or more by weight of alcohol in his or her blood, breath, or urine; ~~or~~

(C) Driving or being in actual physical control of a moving noncommercial vehicle in violation of Code Section 40-6-391; or

(D) Code Sections 16-8-2 through 16-8-9, if the property that was the subject of the theft was a vehicle engaged in commercial transportation as set forth in paragraph (8) of subsection (a) of Code Section 16-8-12; or

(2) For refusal to submit to a test as prescribed in Code Section 40-5-55 to determine the driver's alcohol concentration while driving a commercial motor vehicle or a noncommercial motor vehicle."

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Sailor
Y Amerson	Y Cummings	N Holmes	Y Maxwell	Y Scheid
E Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	E Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Houston	E McClinton	Y Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Y Drenner	N Jackson	Mitchell	Y Sims, F
Y Benton	N Dukes	Y Jacobs	N Morgan	Y Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	N Jamieson	Y Mosby	Y Smith, L
Y Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
N Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
N Bruce	Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Y Fludd	N Jordan	Y Oliver	Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	E Orrock	Y Stephenson
Burkhalter	Freeman	N Kidd	Y Parham	Y Talton

Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Thomas, A.M
Y Butler	Y Golick	Y Lakly	Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
E Casas	Y Greene	Y Lewis	N Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	N Lucas	Y Reese	Y Williams, A
Y Cole	N Heard, K	Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Coleman, T	Y Hembree	N Mangham	Y Rogers	Wix
Cooper	Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 143, nays 13.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

Representatives Stanley-Turner of the 53rd and Thomas of the 55th stated that they had been called from the floor of the House during the preceding roll call. They wished to be recorded as voting "aye" thereon.

HB 1288. By Representatives Ralston of the 7th, Fleming of the 117th, Hatfield of the 177th, Cox of the 102nd and Everson of the 106th:

A BILL to be entitled an Act to amend Chapter 32 of Title 36 of the Official Code of Georgia Annotated, relating to municipal courts, so as to provide for required training of municipal court clerks; to provide an effective date; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
E Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	E Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	E McClinton	Y Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Sheldon
Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Y Drenner	Y Jackson	Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Y Sinkfield

Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
Y Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Smyre
Y Bryant	Y Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	O'Neal	Y Stephens
Buckner, G	Y Franklin	Y Keown	E Orrock	Y Stephenson
Y Burkhalter	Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Thomas, A.M
Y Butler	Y Golick	Y Lakly	Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Lane, R	Y Ralston	Y Walker
E Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Coleman, T	Y Hembree	Y Mangham	Y Rogers	Wix
Cooper	Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, the ayes were 153, nays 0.

The Bill, having received the requisite constitutional majority, was passed.

Representative Thomas of the 55th stated that she had been called from the floor of the House during the preceding roll call. She wished to be recorded as voting "aye" thereon.

HB 1319. By Representatives Smith of the 70th, Knight of the 126th, Golick of the 34th, Rogers of the 26th and McCall of the 30th:

A BILL to be entitled an Act to amend Chapter 23 of Title 50 of the O.C.G.A., relating to the Georgia Environmental Facilities Authority, so as to change certain provisions relating to definitions relative to said article; to change certain provisions relating to purpose, powers, and duties of the authority; to change certain provisions relating to loans to local governments and repayment thereof; to change certain provisions relating to lease agreements; to change certain provisions relating to review of contracts and agreements with local governments by the Environmental Protection Division of the Department of Natural Resources; to repeal certain provisions relating to transfer of employees of the former Office of Energy Resources;

to change certain provisions relating to transfer of assets, funds, property, contracts, programs, obligations, and interests of the former Office of Energy Resources; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
E Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	E Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Houston	E McClinton	Y Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Y Drenner	Jackson	Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Y Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
Y Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Smyre
Y Bryant	Y Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	O'Neal	Y Stephens
Buckner, G	Y Franklin	Y Keown	E Orrock	Y Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Thomas, A.M
Y Butler	Y Golick	Y Lakly	Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
E Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Coleman, T	Y Hembree	Y Mangham	Y Rogers	Wix
Cooper	Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, the ayes were 157, nays 0.

The Bill, having received the requisite constitutional majority, was passed.

Representatives Houston of the 170th and Thomas of the 55th stated that they had been called from the floor of the House during the preceding roll call. They wished to be recorded as voting "aye" thereon.

The following message was received from the Senate through Mr. Ewing, the Secretary thereof:

Mr. Speaker:

The Senate has agreed to the House substitute to the following bill of the Senate:

SB 138. By Senators Stoner of the 6th, Rogers of the 21st, Hill of the 32nd and Wiles of the 37th:

A BILL to be entitled an Act to amend an Act creating the Cobb County-Marietta Water Authority, approved February 21, 1951 (Ga. L. 1951, p. 497), as amended, particularly by an Act approved March 28, 1986 (Ga. L. 1986, p. 5296), an Act approved March 30, 1989 (Ga. L. 1989, p. 4711), and an Act approved April 5, 1995 (Ga. L. 1995, p. 4121), so as to change the membership, vacancy, and quorum provisions regarding the authority; to provide an effective date; to repeal conflicting laws; and for other purposes.

Under the general order of business, established by the Committee on Rules, the following Bill of the House was taken up for consideration and read the third time:

HB 1358. By Representatives Coleman of the 97th, Golick of the 34th, Smith of the 129th, Jones of the 46th, Benton of the 31st and others:

A BILL to be entitled an Act to amend Code Section 20-2-182 of the Official Code of Georgia Annotated, relating to program weights, maximum class size, and reporting requirements under the "Quality Basic Education Act," so as to change certain provisions relating to maximum class size requirements; to provide for legislative intent; to provide for a short title; to provide for related matters; to repeal conflicting laws; and for other purposes.

By unanimous consent, further action on HB 1358 was suspended until later in the legislative day.

The Speaker announced the House in recess until 1:30 o'clock this afternoon.

AFTERNOON SESSION

The Speaker called the House to order.

Representative Smith of the 70th District, Chairman of the Committee on Natural Resources and Environment, submitted the following report:

Mr. Speaker:

Your Committee on Natural Resources and Environment has had under consideration the following Resolution of the House and has instructed me to report the same back to the House with the following recommendation:

HR 1551 Do Pass, by Substitute

Respectfully submitted,
/s/ Smith of the 70th
Chairman

The following Resolutions of the House were read:

HR 1638. By Representative Teilhet of the 40th:

A RESOLUTION commending Colonel James Ron Davis on being named Mr. Cobb County 2006; and for other purposes.

HR 1639. By Representatives Borders of the 175th, Shaw of the 176th and Black of the 174th:

A RESOLUTION commending Mr. Buford W. McRae; and for other purposes.

HR 1640. By Representative Benton of the 31st:

A RESOLUTION commemorating and recognizing the career in education of Anderson S. Byers; and for other purposes.

HR 1641. By Representative Smith of the 113th:

A RESOLUTION commending and recognizing John McNally; and for other purposes.

HR 1642. By Representative Chambers of the 81st:

A RESOLUTION commending Angel Flight of Georgia; and for other purposes.

HR 1643. By Representative Chambers of the 81st:

A RESOLUTION commending Senior Connections; and for other purposes.

HR 1644. By Representative Chambers of the 81st:

A RESOLUTION commending the Elaine Clark Center; and for other purposes.

HR 1645. By Representative Chambers of the 81st:

A RESOLUTION commending the Salvation Army Hispanic Corps; and for other purposes.

HR 1646. By Representative Chambers of the 81st:

A RESOLUTION commending Interfaith Outreach Home; and for other purposes.

HR 1647. By Representatives Holmes of the 61st, Ashe of the 56th, Dean of the 59th, Sinkfield of the 60th, Heckstall of the 62nd and others:

A RESOLUTION commending Atlanta Technical College on its recent accreditation by the Commission on Colleges of the Southern Association of Colleges and Schools; and for other purposes.

HR 1648. By Representative James of the 135th:

A RESOLUTION remembering and honoring the life of Mrs. Martha Carmichael Patrick; and for other purposes.

HR 1649. By Representatives Drenner of the 86th, Gardner of the 57th and Ashe of the 56th:

A RESOLUTION commending Mr. M. Bryan Freeman; and for other purposes.

HR 1650. By Representatives Tumlin of the 38th, Golick of the 34th, Manning of the 32nd, Setzler of the 35th, Ehrhart of the 36th and others:

A RESOLUTION commending Dr. Daniel S. Papp, newly appointed president of Kennesaw State University; and for other purposes.

HR 1651. By Representatives Smith of the 113th, Heard of the 114th and Kidd of the 115th:

A RESOLUTION commending Mr. Henry M. Huckaby on his public service and congratulating him on the occasion of his retirement; and for other purposes.

HR 1652. By Representatives Drenner of the 86th, Benfield of the 85th and Henson of the 87th:

A RESOLUTION commemorating the 35th anniversary of the founding of the DeKalb County Community Human Relations Commission; and for other purposes.

HR 1653. By Representative Greene of the 149th:

A RESOLUTION congratulating Coach Mike Williams on reaching his 400th win; and for other purposes.

HR 1654. By Representatives Beasley-Teague of the 65th, Brooks of the 63rd, Dukes of the 150th, Epps of the 128th and Stanley-Turner of the 53rd:

A RESOLUTION remembering and honoring the life of Mr. Robert E. Butler; and for other purposes.

HR 1655. By Representatives Smith of the 113th, Fleming of the 117th, Burkhalter of the 50th, Dollar of the 45th, Heard of the 114th and others:

A RESOLUTION commemorating and recognizing the Uga line of mascots from the University of Georgia; and for other purposes.

HR 1656. By Representatives Beasley-Teague of the 65th, Brooks of the 63rd, Dukes of the 150th, Epps of the 128th and Stanley-Turner of the 53rd:

A RESOLUTION remembering and honoring the life of Mrs. Nellie G. Butler; and for other purposes.

HR 1657. By Representative Porter of the 143rd:

A RESOLUTION commending the West Laurens High School Raiders Wrestling Team for winning the 2005-2006 Georgia High School Association Class AA Traditional Wrestling State Championship; and for other purposes.

On the adoption of the Resolutions, the roll call was ordered and the vote was as follows:

Abdul-Salaam	Crawford	Hill, C.A	Martin	Sailor
Y Amerson	Cummings	Y Holmes	Y Maxwell	Y Scheid
E Anderson	Davis	Y Holt	Y May	Scott, A
Y Ashe	E Day	Y Horne	McCall	Y Scott, M
Barnard	Dean	Y Houston	E McClinton	Y Setzler
Y Barnes	Y Dickson	Howard, E	Y Meadows	Y Shaw
Bearden	Y Dodson	Hudson	E Millar	Y Sheldon
Y Beasley-Teague	Dollar	Hugley	Mills	Sims, C
Benfield	Drenner	Jackson	Mitchell	Y Sims, F
Y Benton	Dukes	Y Jacobs	Y Morgan	Y Sinkfield
Y Black	Ehrhart	Y James	Morris	Smith, B
Y Bordeaux	Y England	Y Jamieson	Mosby	Y Smith, L
Y Borders	Epps	Jenkins	Y Mosley	Smith, P
Y Bridges	Y Everson	Y Jennings	Mumford	Y Smith, R
Brooks	Y Fleming	Y Johnson	Y Murphy, J	Smith, T
Brown	Floyd, H	Jones, J	Murphy, Q	Y Smith, V
Bruce	Floyd, J	Y Jones, S	Neal	Smyre
Y Bryant	Fludd	Y Jordan	Y Oliver	Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	O'Neal	Stephens
Y Buckner, G	Y Franklin	Y Keown	E Orrock	Stephenson
Y Burkhalter	Y Freeman	Kidd	Y Parham	Y Talton
Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Burns	Y Geisinger	Y Knox	Parsons	Thomas, A.M
Butler	Golick	Lakly	Y Porter	Y Thomas, B
Byrd	Y Graves, D	Lane, B	Y Powell	Y Tumlin
Y Carter	Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Randall	Y Warren
Y Chambers	Hanner	Y Lindsey	Ray	Watson
Channell	Y Harbin	Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Reece, S	Y Willard
Coan	Y Heard, J	Lucas	Y Reese	Williams, A
Y Cole	Heard, K	Lunsford	Y Rice	Williams, E
Y Coleman, B	Heckstall	Y Maddox	Y Roberts	Y Williams, R
Coleman, T	Y Hembree	Mangham	Y Rogers	Y Wix
Cooper	Henson	Y Manning	Royal	Yates
Y Cox	Y Hill, C	Marin	Rynders	Richardson,
				Speaker

On the adoption of the Resolutions, the ayes were 95, nays 0.

The Resolutions were adopted.

Representatives Burns of the 157th and Jenkins of the 8th stated that they had been called from the floor of the House during the preceding roll call. They wished to be recorded as voting "aye" thereon.

Due to a mechanical malfunction, the vote of Representative Kidd of the 115th was not recorded on the preceding roll call. She wished to be recorded as voting "aye" thereon.

Under the general order of business, established by the Committee on Rules, the following Bill of the House, having previously been read, was again taken up for consideration:

HB 1358. By Representatives Coleman of the 97th, Golick of the 34th, Smith of the 129th, Jones of the 46th, Benton of the 31st and others:

A BILL to be entitled an Act to amend Code Section 20-2-182 of the Official Code of Georgia Annotated, relating to program weights, maximum class size, and reporting requirements under the "Quality Basic Education Act," so as to change certain provisions relating to maximum class size requirements; to provide for legislative intent; to provide for a short title; to provide for related matters; to repeal conflicting laws; and for other purposes.

Pursuant to Rule 133, Representative Heard of the 104th was excused from voting on HB 1358.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Y Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
E Anderson	N Davis	Y Holt	Y May	Y Scott, A
Y Ashe	E Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	E McClinton	Y Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
Y Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Sims, C
Y Benfield	Y Drenner	Y Jackson	Y Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Y Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
N Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
Y Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Murphy, Q	Y Smith, V
Bruce	Y Floyd, J	Y Jones, S	Y Neal	Smyre

Y Bryant	Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	N Franklin	Y Keown	E Orrock	Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	N Lord	Y Reece, B	Y Wilkinson
Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	Heard, K	Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Y Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, the ayes were 160, nays 4.

The Bill, having received the requisite constitutional majority, was passed.

Due to a mechanical malfunction, the votes of Representatives Murphy of the 23rd, Lunsford of the 110th, and Smyre of the 132nd were not recorded on the preceding roll call. They wished to be recorded as voting "aye" thereon.

Representatives Cheokas of the 134th and Sims of the 169th stated that they had been called from the floor of the House during the preceding roll call. They wished to be recorded as voting "aye" thereon.

The following Bill of the House was taken up for the purpose of considering the Senate substitute thereto:

HB 1321. By Representatives Burkhalter of the 50th, Rice of the 51st, Willard of the 49th and Jones of the 46th:

A BILL to be entitled an Act to incorporate the City of Johns Creek in Fulton County, Georgia; to provide a charter for the City of Johns Creek; to provide for incorporation, boundaries, and powers of the city; to provide for a governing authority of such city and the powers, duties, authority, election, terms, method of filling vacancies, compensation, qualifications, prohibitions, and removal from office relative to members of such governing authority; to provide for inquiries and investigations; to provide for organization and procedures; to provide for ordinances and codes; to provide

for the offices of mayor and city manager and certain duties and powers relative to those offices; to provide for administrative responsibilities; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL

To incorporate the City of Johns Creek in Fulton County, Georgia; to provide a charter for the City of Johns Creek; to provide for incorporation, boundaries, and powers of the city; to provide for a governing authority of such city and the powers, duties, authority, election, terms, method of filling vacancies, compensation, qualifications, prohibitions, and removal from office relative to members of such governing authority; to provide for inquiries and investigations; to provide for organization and procedures; to provide for ordinances and codes; to provide for the offices of mayor and city manager and certain duties and powers relative to those offices; to provide for administrative responsibilities; to provide for boards, commissions, and authorities; to provide for a city attorney, a city clerk, a city tax collector, a city accountant, and other personnel; to provide for rules and regulations; to provide for a municipal court and the judge or judges thereof; to provide for practices and procedures; to provide for taxation and fees; to provide for franchises, service charges, and assessments; to provide for bonded and other indebtedness; to provide for accounting and budgeting; to provide for purchases; to provide for the sale of property; to provide for bonds for officials; to provide for eminent domain; to provide for penalties; to provide for definitions and construction; to provide for other matters relative to the foregoing; to provide for a referendum; to provide effective dates; to provide for transition of powers and duties; to provide for directory nature of dates; to provide for a charter commission; to provide for severability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

ARTICLE I
INCORPORATION AND POWERS
SECTION 1.10.
Incorporation.

The City of Johns Creek in Fulton County is incorporated by the enactment of this charter and is constituted and declared a body politic and corporate under the name of the "City of Johns Creek." References in this charter to "the city" or "this city" refer to the City of Johns Creek. The city shall have perpetual existence.

SECTION 1.11.
Corporate boundaries.

- (a) The incorporated area of this city shall include all of that portion of Fulton County as set forth and described in Appendix A of this charter, which appendix is incorporated herein by reference, subject to ratification by the voters at a referendum as provided in Section 7.14 of this Act.
- (b) The incorporated area of this city may also include all of that portion of Fulton County as set forth and described in Appendix B of this charter, which appendix is incorporated herein by reference, subject to ratification by the voters at a referendum as provided in Section 7.14 of this Act.
- (c) After the original incorporation of this city, the boundaries of this city shall be subject to such alterations as may be made thereafter from time to time by local law or in the manner provided by general state law. As used in this charter, the term "territory" means the area of the city as described in this section. The boundaries of this city at all times shall be shown on a map, a written description, or any combination thereof, to be retained permanently in the office of the city clerk of the city and to be designated, as the case may be: "Official Map or Description of the Corporate Limits of the City of Johns Creek, Georgia." Photographic, typed, or other copies of such map or description certified by the mayor shall be admitted as evidence in all courts and shall have the same force and effect as the original map or description.

SECTION 1.12.

Municipal powers.

- (a) This city shall have all powers possible for a city to have under the present or future Constitution and laws of this state as fully and completely as though they were specifically enumerated in this charter. This city shall have all the powers of self-government not otherwise prohibited by this charter or by general law.
- (b) The powers of this city shall be construed liberally in favor of the city. The specific mention or failure to mention particular powers shall not be construed as limiting in any way the powers of this city. Said powers shall include, but are not limited to, the following:
 - (1) Air and water pollution. To regulate the emission of smoke or other exhaust which pollutes the air and to prevent the pollution of natural streams which flow within the corporate limits of the city;
 - (2) Animal regulations. To regulate and license or to prohibit the keeping or running at large of animals and fowl and to provide for the impoundment of same if in violation of any ordinance or lawful order; to provide for the disposition by sale, gift, or humane destruction of animals and fowl when not redeemed as provided by ordinance; and to provide punishment for violation of ordinances enacted under this paragraph;
 - (3) Appropriations and expenditures. To make appropriations for the support of the government of the city; to authorize the expenditure of money for any purposes authorized by this charter and for any purpose for which a municipality is authorized

by the laws of the State of Georgia; and to provide for the payment of expenses of this city;

(4) Building regulations. To regulate and to license the erection and construction of buildings and all other structures not inconsistent with general law; to adopt building, housing, plumbing, electrical, gas, and heating and air-conditioning codes; and to regulate all housing and building trades except as otherwise prohibited by general law;

(5) Business regulation and taxation. To levy and to provide for the collection of license fees and taxes on privileges, occupations, trades, and professions; to license and regulate the same; to provide for the manner and method of payment of such licenses and taxes; and to revoke such licenses after due process for the failure to pay any city taxes or fees;

(6) Condemnation. To condemn property, inside or outside the corporate limits of the city, for present or future use and for any corporate purpose deemed necessary by the governing authority, utilizing procedures enumerated in Title 22 of the O.C.G.A. or such other laws as are or may hereafter be enacted;

(7) Contracts. To enter into contracts and agreements with other governments and entities and with private persons, firms, and corporations;

(8) Emergencies. To establish procedures for determining and proclaiming that an emergency situation exists inside or outside the city and to make and carry out all reasonable provisions deemed necessary to deal with or meet such an emergency for the protection, safety, health, or well-being of the citizens of the city;

(9) Environmental protection. To protect and preserve the natural resources, environment, and vital areas of the city, the region, and the state through the preservation and improvement of air quality, the restoration and maintenance of water resources, the control of erosion and sedimentation, the management of storm water and establishment of a storm-water utility, the management of solid and hazardous waste, and other necessary actions for the protection of the environment;

(10) Ethics. To adopt ethics ordinances and regulations governing the conduct of municipal elected officials, appointed officials, and employees, establishing procedures for handling ethics complaints, and setting forth penalties for violations of such rules and procedures;

(11) Fire regulations. To fix and establish fire limits and from time to time extend, enlarge, or restrict the same; to prescribe fire safety regulations, not inconsistent with general law relating to both fire prevention and detection and to fire fighting; and to prescribe penalties and punishment for violations thereof;

(12) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection and disposal and other sanitary service charge, tax, or fee for such services as may be necessary in the operation of the city from all individuals, firms, and corporations residing in or doing business within the city and benefiting from such services; to enforce the payment of such charges, taxes, or fees; and to provide for the manner and method of collecting such service charges;

(13) General health, safety, and welfare. To define, regulate, and prohibit any act, practice, conduct, or use of property which is detrimental to the health, sanitation, cleanliness, welfare, and safety of the inhabitants of the city and to provide for the enforcement of such standards;

(14) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for any purpose related to the powers and duties of the city and the general welfare of its citizens on such terms and conditions as the donor or grantor may impose;

(15) Health and sanitation. To prescribe standards of health and sanitation within the city and to provide for the enforcement of such standards;

(16) Homestead exemption. To establish and maintain procedures for offering homestead exemptions to residents of the city as authorized by Act of the General Assembly;

(17) Jail sentences. To provide that persons given jail sentences in the municipal court may work out such sentences in any public works or on the streets, roads, drains, and squares in the city; to provide for the commitment of such persons to any jail; or to provide for the commitment of such persons to any county work camp or county jail by agreement with the appropriate county officials;

(18) Motor vehicles. To regulate the operation of motor vehicles and exercise control over all traffic, including parking, upon or across the streets, roads, alleys, and walkways of the city;

(19) Municipal agencies and delegation of power. To create, alter, or abolish departments, boards, offices, commissions, and agencies of the city and to confer upon such agencies the necessary and appropriate authority for carrying out all the powers conferred upon or delegated to the same;

(20) Municipal debts. To appropriate and borrow money for the payment of debts of the city and to issue bonds for the purpose of raising revenue to carry out any project, program, or venture authorized by this charter or the laws of the State of Georgia;

(21) Municipal property ownership. To acquire, dispose of, and hold in trust or otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or outside the property limits of the city;

(22) Municipal property protection. To provide for the preservation and protection of property and equipment of the city and the administration and use of same by the public; and to prescribe penalties and punishment for violations thereof;

(23) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose of public utilities, including, but not limited to, a system of waterworks, sewers, and drains, sewage disposal, gas works, electric plants, transportation facilities, public airports, and any other public utility; and to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties therefor; and to provide for the withdrawal of service for refusal or failure to pay the same; and to authorize the extension of water, sewerage, and electrical distribution systems, and all necessary appurtenances by which said utilities are distributed, inside and outside the corporate limits of the city; and to provide utility services to persons, firms, and corporations inside and outside the corporate limits of the city as provided by ordinance;

- (24) Nuisances. To define a nuisance and provide for its abatement whether on public or private property;
- (25) Penalties. To provide penalties for violation of any ordinances adopted pursuant to the authority of this charter and the laws of the State of Georgia;
- (26) Planning and zoning. To provide comprehensive city planning for development by zoning and to provide subdivision regulation and the like as the city council deems necessary and reasonable to ensure a safe, healthy, and esthetically pleasing community;
- (27) Police and fire protection. To exercise the power of arrest through duly appointed police officers and to establish, operate, or contract for a police and a fire-fighting agency;
- (28) Public hazards; removal. To provide for the destruction and removal of any building or other structure which is or may become dangerous or detrimental to the public;
- (29) Public improvements. To provide for the acquisition, construction, building, operation, and maintenance of public ways, parks, playgrounds, recreational facilities, cemeteries, markets and market houses, public buildings, libraries, public housing, airports, hospitals, terminals, docks, parking facilities, or charitable, cultural, educational, recreational, conservation, sport, curative, corrective, detentional, penal, and medical institutions, agencies, and facilities; to provide any other public improvements inside or outside the corporate limits of the city; to regulate the use of public improvements; and, for such purposes, property may be acquired by condemnation under Title 22 of the O.C.G.A. or such other applicable laws as are or may hereafter be enacted;
- (30) Public peace. To provide for the prevention and punishment of drunkenness, riots, and public disturbances;
- (31) Public transportation. To organize and operate or contract for such public transportation systems as are deemed beneficial;
- (32) Public utilities and services. To grant franchises or make contracts for public utilities and public services and to prescribe the rates, fares, regulations, and the standards and conditions of service applicable to the service to be provided by the franchise grantee or contractor, insofar as not in conflict with valid regulations of the Public Service Commission;
- (33) Regulation of roadside areas. To prohibit or regulate and control the erection, removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any and all other structures or obstructions upon or adjacent to the rights of way of streets and roads or within view thereof, inside or abutting the corporate limits of the city and to prescribe penalties and punishment for violation of such ordinances;
- (34) Retirement. To provide and maintain a retirement plan for officers and employees of the city;
- (35) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise improve, maintain, repair, clean, prevent erosion of, and light the roads,

alleys, and walkways within the corporate limits of the city; and to negotiate and execute leases over, through, under, or across any city property or the right of way of any street, road, alley, and walkway or portion thereof within the corporate limits of the city for bridges, passageways, or any other purpose or use between buildings on opposite sides of the street and for other bridges, overpasses, and underpasses for private use at such location and to charge a rental therefor in such manner as may be provided by ordinance; and to authorize and control the construction of bridges, overpasses, and underpasses within the corporate limits of the city; and to grant franchises and rights of way throughout the streets and roads and over the bridges and viaducts for the use of public utilities and for private use;

(36) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish, and refuse and to regulate the collection and disposal of garbage, rubbish, and refuse by others; and to provide for the separate collection of glass, tin, aluminum, cardboard, paper, and other recyclable materials and provide for the sale of such items;

(37) Special areas of public regulation. To regulate or prohibit junk dealers, pawn shops, the manufacture, sale, or transportation of intoxicating liquors, and the use of firearms; to regulate the transportation, storage, and use of combustible, explosive, and inflammable materials, the use of lighting and heating equipment, and any other business or situation which may be dangerous to persons or property; to regulate and control the conduct of peddlers and itinerant traders, theatrical performances, exhibitions, and shows of any kind, by taxing or otherwise; and to license, tax, regulate, or prohibit professional fortunetelling, palmistry, adult bookstores, adult entertainment, and massage parlors;

(38) Special assessments. To levy and provide for the collection of special assessments to cover the costs of any public improvement;

(39) Taxes (ad valorem). To levy and provide for the assessment, valuation, revaluation, and collection of taxes on all property subject to taxation; provided, however, that:

(A) For all years, the millage rate imposed for ad valorem taxes on real property shall not exceed 4.731 unless a higher limit is recommended by resolution of the city council and approved by a majority of the qualified voters of the city; provided, however, that for the purposes of compliance with Code Section 48-8-91 of the O.C.G.A., the millage rate may be adjusted upward for the sole purpose of complying with the millage rate rollback provisions set forth therein;

(B) For all years, the fair market value of all property subject to taxation shall be determined according to the tax digest of Fulton County, as provided in Code Section 48-5-352 of the O.C.G.A.; and

(C) For all years, the billing date or dates and due date or dates for municipal ad valorem taxes shall be the same as for Fulton County ad valorem taxes;

(40) Taxes (other). To levy and collect such other taxes as may be allowed now or in the future by law;

(41) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the number of such vehicles; to require the operators thereof to be licensed; to require public liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to regulate the parking of such vehicles;

(42) Urban redevelopment. To organize and operate an urban redevelopment program; and

(43) Other powers. To exercise and enjoy all other powers, functions, rights, privileges, and immunities necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience, or general welfare of the city and its inhabitants; to exercise all implied powers necessary to carry into execution all powers granted in this charter as fully and completely as if such powers were fully stated in this charter; and to exercise all powers now or in the future authorized to be exercised by other municipal governments under other laws of the State of Georgia; and no listing of particular powers in this charter shall be held to be exclusive of others, nor restrictive of general words and phrases granting powers, but shall be held to be in addition to such powers unless expressly prohibited to municipalities under the Constitution or applicable laws of the State of Georgia.

SECTION 1.13.

Exercise of powers.

All powers, functions, rights, privileges, and immunities of the city, its officers, agencies, or employees shall be carried into execution as provided by this charter. If this charter makes no provision, such shall be carried into execution as provided by ordinance or as provided by pertinent laws of the State of Georgia.

ARTICLE II

GOVERNMENT STRUCTURE, ELECTIONS, AND REMOVAL

SECTION 2.10.

City council creation; composition; number; election.

(a) The legislative authority of the government of this city, except as otherwise specifically provided in this charter, shall be vested in a city council to be composed of a mayor and six councilmembers who shall be elected to Posts 1 through 6. Each person desiring to offer as a candidate for councilmember shall designate the council post for which he or she is offering.

(b) The mayor and councilmembers shall serve for terms of four years and until their respective successors are elected and qualified, except as otherwise provided in subsection (d) of Section 2.11 of this charter. No person shall be eligible to serve as mayor or councilmember unless that person is at least 21 years of age and shall have been a resident of the territory for 12 months immediately preceding his or her election; and each such person shall continue to reside within the city during said period of service and shall be registered and qualified to vote in municipal elections of this city. No person's

name shall be listed as a candidate on the ballot for election for either mayor or councilmember unless such person shall file a written notice with the clerk of said city that such person desires his or her name to be placed on said ballot as a candidate either for mayor or councilmember and in the case of a candidate for councilmember designates the post for which he or she is a candidate. No person shall be eligible for the office of mayor or councilmember unless such person shall file said notice within the time provided for in Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

SECTION 2.11.

Elections.

(a) At any election, all persons who are qualified under the Constitution and laws of Georgia to vote for members of the General Assembly of Georgia and who are bona fide residents of the territory or of said city shall be eligible to qualify as voters in the election.

(b) All primaries and elections, including without limitation the special election of 2006 to elect the first mayor and council, shall be held and conducted in accordance with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code." Except as otherwise provided by this charter, the city council shall, by ordinance, prescribe such rules and regulations it deems appropriate to fulfill any options and duties under the "Georgia Election Code."

(c) All elections for the mayor and all councilmembers shall be at-large by the voters of the entire city.

(d) The first election for mayor and councilmembers shall be a special election held in 2006 on the date specified in subsection (e) of this section. At said election, the mayor and councilmembers elected to Council Posts 1, 3, and 5 shall be elected for initial terms of office beginning immediately after their election and expiring on December 31, 2009. The councilmembers elected to Council Posts 2, 4, and 6 shall be elected for initial terms of office beginning immediately after their election and expiring on December 31, 2007. Thereafter, at the elections provided for by subsection (e) of this section, their successors shall be elected for terms of four years. All members shall serve until their successors are elected and qualified.

(e) A special election shall be held on the Tuesday after the first Monday in November, 2006, to elect the first mayor and council as provided in subsection (d) of this section. At such election, the first mayor and council shall be elected to serve for the initial terms of office specified in said subsection (d) of this section. Thereafter, the time for holding regular municipal elections shall be on the Tuesday next following the first Monday in November of each odd-numbered year beginning in 2007. The successors to the first mayor and councilmembers and future successors shall be elected at the municipal election immediately preceding the expiration of the respective terms of office and shall take office on the first day of January immediately following their election for terms of four years and until their successors are elected and qualified.

(f) All municipal elections shall be nonpartisan and without primaries.

SECTION 2.12.

Vacancies in office.

(a)(1) The office of mayor or councilmember shall become vacant upon the incumbent's death, resignation, forfeiture of office, or removal from office in any manner authorized by this charter or the general laws of the State of Georgia.

(2) Upon the suspension from office of mayor or councilmember in any manner authorized by the general laws of the State of Georgia, the city council or those remaining shall appoint a successor for the duration of the suspension. If the suspension becomes permanent, then the office shall become vacant and shall be filled as provided in subsection (b) of this section.

(b) In the event that the office of mayor or councilmember shall become vacant, the city council or those remaining shall order a special election to fill the balance of the unexpired term of such official; provided, however, if such vacancy occurs within six months of the expiration of the term of that office, the city council or those members remaining shall appoint a successor for the remainder of the term. In all other respects, the special election shall be held and conducted in accordance with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

SECTION 2.13.

Election by majority vote.

The candidate receiving a majority of the votes cast for any city office shall be elected.

SECTION 2.14.

Compensation and expenses.

The annual salary of the mayor shall be \$25,000.00 and the annual salary for each councilmember shall be \$15,000.00. Such salary shall be paid from municipal funds in monthly installments. The city council may provide by ordinance for the provision of insurance, retirement, workers' compensation, and other employee benefits to the mayor and members of the city council and may provide by ordinance for the reimbursement of expenses actually and necessarily incurred by the mayor and members of the city council in carrying out their official duties.

SECTION 2.15.

Prohibitions.

(a) No elected official, appointed officer, or employee of the city or any agency or political entity to which this charter applies shall knowingly:

(1) Engage in any business or transaction or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of official

duties or which would tend to impair the independence of his or her judgment or action in the performance of official duties;

(2) Engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of official duties or would tend to impair the independence of his or her judgment or action in the performance of official duties;

(3) Disclose confidential information concerning the property, government, or affairs of the governmental body by which engaged without proper legal authorization or use such information to advance the financial or other private interest of himself or herself or others;

(4) Accept any valuable gift, whether in the form of service, loan, object, or promise, from any person, firm, or corporation which to his or her knowledge is interested, directly or indirectly, in any manner whatsoever in business dealings with the governmental body by which he or she is engaged; provided, however, that an elected official who is a candidate for public office may accept campaign contributions and services in connection with any such campaign;

(5) Represent other private interests in any action or proceeding against this city or any portion of its government; or

(6) Vote or otherwise participate in the negotiation or in the making of any contract with any business or entity in which he or she has a financial interest.

(b) Any elected official, appointed officer, or employee who has any private financial interest, directly or indirectly, in any contract or matter pending before or within any department of the city shall disclose such private interest to the city council. The mayor or any councilmember who has a private interest in any matter pending before the city council shall disclose such private interest and such disclosure shall be entered on the records of the city council, and he or she shall disqualify himself or herself from participating in any decision or vote relating thereto. Any elected official, appointed officer, or employee of any agency or political entity to which this charter applies who shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within such entity shall disclose such private interest to the governing body of such agency or entity.

(c) No elected official, appointed officer, or employee of the city or any agency or entity to which this charter applies shall use property owned by such governmental entity for personal benefit, convenience, or profit, except in accordance with policies promulgated by the city council or the governing body of such agency or entity.

(d) Any violation of this section which occurs with the knowledge, express or implied, of a party to a contract or sale shall render said contract or sale voidable at the option of the city council.

(e) Except as authorized by law, no member of the council shall hold any other elective city office or other city employment during the term for which elected. The provisions of this subsection shall not apply to any person holding employment on the effective date of this Act.

SECTION 2.16.

Removal of officers.

(a) The mayor, a councilmember, or other appointed officers provided for in this charter shall be removed from office for any one or more of the following causes:

- (1) Incompetence, misfeasance, or malfeasance in office;
- (2) Conviction of a crime involving moral turpitude;
- (3) Failure at any time to possess any qualifications of office as provided by this charter or by law;
- (4) Knowingly violating Section 2.15 or any other express prohibition of this charter;
- (5) Abandonment of office or neglect to perform the duties thereof; or
- (6) Failure for any other cause to perform the duties of office as required by this charter or by state law.

(b) Removal of any officer pursuant to subsection (a) of this section shall be accomplished by one of the following methods:

- (1) By the vote of five councilmembers after an investigative hearing. In the event an elected officer is sought to be removed by the action of the city council, such officer shall be entitled to a written notice specifying the ground or grounds for removal and to a public hearing which shall be held not less than ten days after the service of such written notice. Any elected officer sought to be removed from office as provided in this section shall have the right of appeal from the decision of the city council to the Superior Court of Fulton County. Such appeal shall be governed by the same rules as govern appeals to the superior court from the probate court; or
- (2) By an order of the Superior Court of Fulton County following a hearing on a complaint seeking such removal brought by any resident of the City of Johns Creek.

ARTICLE III**ORGANIZATION OF GOVERNMENT, GENERAL
AUTHORITY, AND ORDINANCES****SECTION 3.10.**

General power and authority.

Except as otherwise provided by this charter, the city council shall be vested with all the powers of government of this city as provided by Article I of this charter.

SECTION 3.11.

Organization.

(a) The city council shall hold an organizational meeting at the first regular meeting in January following an election. The meeting shall be called to order by the city clerk or the mayor-elect if the office of clerk is vacant. The city clerk or any judge shall administer the oaths required by Chapter 3 of Title 45 of the O.C.G.A. and the following oath:

"I do solemnly (swear) (affirm) that I will faithfully perform the duties of (mayor) (councilmember) of this city and that I will support and defend the charter thereof as well as the Constitution and laws of the State of Georgia and of the United States of America."

(b) By a majority vote, the city council shall elect a councilmember to serve as mayor pro tempore. The mayor pro tempore shall assume the duties and powers of the mayor during any disability or absence of the mayor. Any such disability or absence shall be declared by a majority vote of the city council.

SECTION 3.12.

Inquiries and investigations.

The city council may make inquiries and investigations into the affairs of the city and the conduct of any department, office, or agency thereof and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the council shall be punished as provided by ordinance.

SECTION 3.13.

Meetings.

(a) The city council shall hold regular meetings at such times and places as prescribed by ordinance and shall hold at least one regular meeting each month.

(b) Special meetings of the city council may be held on call of the mayor or four members of the city council. Notice of such special meeting shall be served on all other members personally, or by telephone personally, at least 48 hours in advance of the meeting. Such notice to councilmembers shall not be required if the mayor and all councilmembers are present when the special meeting is called. Such notice of any special meeting may be waived by a councilmember in writing before or after such a meeting and attendance at the meeting shall also constitute a waiver of notice on any business transacted in such councilmember's presence. Only the business stated in the call may be transacted at the special meeting.

(c) All meetings of the city council shall be public to the extent required by law and notice to the public of special meetings shall be given as required by law.

SECTION 3.14.

Procedures.

(a) The city council shall adopt its rules of procedure and order of business consistent with the provisions of this charter and shall provide for keeping a journal of its proceedings which shall be a public record.

(b) All committees and committee chairpersons and officers of the city council shall be appointed by the mayor.

SECTION 3.15.

Voting.

(a) Except as otherwise provided in subsection (c) of this section, four councilmembers shall constitute a quorum and shall be authorized to transact the business of the city council. For voting and quorum purposes, the mayor shall be counted as one of the councilmembers. Voting on the adoption of ordinances shall be by voice vote and the vote shall be recorded in the journal, but any member of the city council shall have the right to request a roll-call vote and such vote shall be recorded in the journal. No councilmember shall abstain from voting except in the case of a conflict of interest or if absent when a motion being voted upon was made. The councilmember shall provide a specific explanation of the conflict, and the explanation shall be recorded in the journal.

(b) Except as otherwise provided in this charter, the affirmative vote of a majority of the councilmembers present shall be required for the adoption of any ordinance, resolution, or motion.

(c) In the event vacancies in office result in less than a quorum of councilmembers holding office, then the remaining councilmembers in office shall constitute a quorum and shall be authorized to transact business of the city council. A vote of a majority of the remaining councilmembers shall be required for the adoption of any ordinance, resolution, or motion.

SECTION 3.16.

Ordinances.

(a) Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain a subject which is not expressed in its title. The enacting clause shall be "The Council of the City of Johns Creek hereby ordains..." and every ordinance shall so begin.

(b) An ordinance may be introduced by the mayor or any councilmember and be read at a regular or special meeting of the city council. Ordinances shall be considered and adopted or rejected by the city council in accordance with the rules which it shall establish; provided, however, an ordinance shall not be adopted the same day it is introduced, except for emergency ordinances provided for in Section 3.18 of this charter. Upon introduction of any ordinance, the clerk shall, as soon as possible, distribute a copy to the mayor and to each councilmember and shall file a reasonable number of copies in the office of the clerk and at such other public places as the city council may designate.

SECTION 3.17.

Effect of ordinances.

Acts of the city council which have the force and effect of law shall be enacted by ordinance.

SECTION 3.18.

Emergencies.

To meet a public emergency affecting life, health, property, or public peace, the city council may convene on call of the mayor or four councilmembers and may promptly adopt an emergency ordinance, but such ordinance shall not levy taxes; grant, renew, or extend a franchise; regulate the rate charged by any public utility for its services; or authorize the borrowing of money except for loans to be repaid within 30 days. An emergency ordinance shall be introduced in the form prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing the emergency in clear and specific terms. An emergency ordinance may be adopted, with or without amendment, or rejected at the meeting at which it is introduced, but the affirmative vote of a majority of the councilmembers present shall be required for adoption. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance shall automatically stand repealed 30 days following the date upon which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency continues to exist. An emergency ordinance shall also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

SECTION 3.19.

Codes.

(a) The city council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such adopting ordinance shall be as prescribed for ordinances generally except that: (1) the requirements of subsection (b) of Section 3.16 of this charter for distribution and filing of copies of the ordinance shall be construed to include copies of any code of technical regulations, as well as the adopting ordinance; and (2) a copy of each adopted code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the clerk pursuant to Section 3.20 of this charter.

(b) Copies of any adopted code of technical regulations shall be made available by the clerk for distribution or for purchase at a reasonable price.

SECTION 3.20.

Codification of ordinances.

(a) The clerk shall authenticate by the clerk's signature and record in full in a properly indexed book kept for that purpose all ordinances adopted by the council.

(b) The city shall provide for the preparation of a general codification of all the ordinances of the city having the force and effect of law. The general codification shall be adopted by the city council by ordinance and shall be published promptly together

with all amendments thereto and shall contain such codes of technical regulations and other rules and regulations as the city council may specify. This compilation shall be known and cited officially as "The Code of the City of Johns Creek, Georgia." Copies of the code shall be furnished to all officers, departments, and agencies of the city and shall be made available for purchase by the public at a reasonable price as fixed by the city council.

(c) The city council shall cause each ordinance and each amendment to this charter to be printed promptly following its adoption, and the printed ordinances and charter amendments shall be made available for purchase by the public at reasonable prices to be fixed by the city council. Following publication of the first code under this charter and at all times thereafter, the ordinances and charter amendments shall be printed in substantially the same style as the code then in effect and shall be suitable in form for incorporation within the code. The city council shall make such further arrangements as deemed desirable with reproduction and distribution of any changes in or additions to codes of technical regulations and other rules and regulations included in the code.

SECTION 3.21.

Submission of ordinances to the mayor.

(a) Every ordinance, resolution, and other action adopted by the council shall be presented promptly to the mayor for signature. Except for council approval of appointments to committees, boards, and commissions, the employment of any appointed officer, internal affairs, or matters which must be approved by the voters, the mayor may veto any action adopted by the city council.

(b) The veto must be exercised no later than the next regular city council meeting following the meeting at which the action was taken. If an action is disapproved, the mayor shall submit to the council a written statement of the reasons for the mayor's veto.

(c) An action vetoed by the mayor shall automatically be on the agenda at the next regular meeting of the city council for reconsideration. If the minimum number of councilmembers necessary to vote on overriding the veto are not present, the action may be continued until the next meeting at which the minimum number of councilmembers are present. Such action shall not become effective unless it is readopted by the affirmative votes of at least five councilmembers within 60 days of the veto and for this purpose the mayor shall vote as a councilmember.

(d) The mayor may disapprove or reduce any item or items of appropriation in any ordinance or resolution. The approved part or parts of any ordinance or resolution making appropriations shall become law, and the part or parts disapproved or reduced shall not become law unless subsequently passed by the city council over the mayor's veto as provided in this charter.

(e) If an ordinance or resolution has been signed by the mayor, it shall become effective. If an ordinance or resolution is neither approved nor disapproved by the next regular meeting of the city council, it shall become effective.

SECTION 3.22.

Powers and duties of the mayor.

(a) The mayor shall be the chief executive officer of the city government, a member of and the presiding officer of the city council, and responsible for the efficient and orderly administration of the city's affairs. The mayor shall be responsible for the enforcement of laws, rules, regulations, ordinances, and franchises in the city. The mayor may conduct inquiries and investigations into the conduct of the city's affairs and shall have such powers and duties as specified in this charter or as may be provided by ordinance consistent with this charter.

(b) The mayor shall:

- (1) Preside at all meetings of the city council;
- (2) Be the head of the city for the purpose of service of process and for ceremonial purposes and be the official spokesperson for the city and the advocate of policy;
- (3) Sign as a matter of course on behalf of the city all written and approved contracts, ordinances, resolutions, and other instruments executed by the city which by law are required to be in writing;
- (4) See that all laws and ordinances of the city are faithfully executed;
- (5) Vote on any motion, resolution, ordinance, or other question before the council and vote on any matter before a committee on which he or she serves;
- (6) Obtain short term loans in the name of the city when authorized by the city council to do so;
- (7) Appoint city council committees and appoint councilmembers to oversee and report on the functions of the various departments of the city;
- (8) Require the city manager to meet with him or her at a time and place designated for consultation and advice upon the affairs of the city;
- (9) Name qualified residents of the city to boards and commissions with approval of the city council;
- (10) Nominate the city attorney, city clerk, city tax collector, and city accountant, subject to ratification by the city council;
- (11) Prepare or have prepared an agenda for each meeting of the city council which shall include all business submitted by the mayor, any councilmember, the city manager, and the city attorney; and
- (12) Fulfill and perform such other duties as are imposed by this charter and duly adopted ordinances.

(c) The mayor shall in his or her sole discretion appoint an executive aide to the mayor. The executive aide shall serve at the pleasure of the mayor. The executive aide shall receive a salary comparable to that of city department heads, which salary shall be fixed by the mayor. The executive aide shall report directly to the mayor. The duties and responsibilities of the executive aide shall at all times be as set forth by the mayor. The executive aide shall have the authority, upon the specific request of the mayor, to act on behalf of the mayor in the mayor's ceremonial or administrative capacity. The executive

aide shall have no authority to act on behalf of the mayor in a legislative or executive capacity.

SECTION 3.23.

City manager; appointment, qualification, and compensation.

The mayor shall appoint for an indefinite term an officer whose title shall be the "city manager" and the city manager shall serve at the pleasure of the mayor. The city manager shall be appointed without regard to political beliefs and solely on the basis of his or her executive and administrative qualifications with special reference to his or her educational background and actual experience in, and knowledge of, the duties of office as hereinafter prescribed.

SECTION 3.24.

City manager; chief administrative officer.

The city manager shall be the chief administrative officer of the government of the City of Johns Creek. The city manager must devote all of his or her working time and attention to the affairs of the city and shall be responsible to the mayor and council for the proper and efficient administration of the affairs of the city over which said officer has jurisdiction.

SECTION 3.25.

City manager; powers and duties enumerated.

The city manager shall have the power, and it shall be his or her duty to:

- (1) See that all laws and ordinances are enforced;
- (2) Appoint and employ all necessary employees of the city, provided that excepted from the power of this appointment are those officers and employees who by this Act are appointed or elected by the mayor or council or departments not under the jurisdiction of the city manager;
- (3) Remove employees employed by said officer without the consent of the council and without assigning any reason therefore;
- (4) Exercise supervision and control of all departments and all divisions created in this charter or that may hereafter be created by the council except as otherwise provided in this Act;
- (5) Attend all meetings of the council with a right to take part in the discussions, but having no vote. The city manager shall be entitled to notice of all special meetings;
- (6) Recommend to the council, after prior review and approval by the mayor, for adoption such measures as the city manager may deem necessary or expedient;
- (7) See that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise are faithfully kept and performed and upon knowledge of any violation thereof to call the same to the attention of the city attorney, whose duty

it shall be forthwith to take such steps as are necessary to protect and enforce the same;

(8) Make and execute all lawful contracts on behalf of the city as to matters within said officer's jurisdiction to the extent that such contracts are funded in the city's budget, except such as may be otherwise provided by law; provided, however, that no contract purchase or obligation requiring a budget amendment shall be valid and binding until after approval of the council;

(9) Act as budget officer to prepare and submit to the council, after review and approval by the mayor, prior to the beginning of each fiscal year a budget of proposed expenditures for the ensuing year, showing in as much detail as practicable the amounts allotted to each department of the city government and the reasons for such estimated expenditures;

(10) Keep the council at all times fully advised as to the financial condition and needs of the city;

(11) Make a full written report to the council on the first of each month showing the operations and expenditures of each department of the city government for the preceding month, and a synopsis of such reports shall be published by the clerk of the city;

(12) Fix all salaries and compensation of city employees in accordance with the city budget and the city pay and classification plan; and

(13) Perform such other duties as may be prescribed by this Act or required by ordinance or resolution of the council.

SECTION 3.26.

Council interference with administration.

Except for the purpose of inquiries and investigations under Section 2.08 of this charter, the city council or its members shall deal with city officers and employees who are subject to the direction or supervision of the manager solely through the manager, and neither the city council nor its members shall give orders to any such officer or employee, either publicly or privately.

SECTION 3.27.

Selection of mayor pro tempore.

There shall be a mayor pro tempore elected from among the councilmembers by the city council. The initial mayor pro tempore shall serve for a term expiring December 31, 2007, and successors shall serve for terms of four years. The mayor pro tempore shall continue to vote and otherwise participate as a councilmember. A vacancy in the position of mayor pro tempore resulting from the mayor pro tempore ceasing to serve as a councilmember or from any other cause shall be filled for the remainder of the unexpired term in the same manner as the original election.

SECTION 3.28.**Mayor pro tempore.**

During the absence or physical or mental disability of the mayor for any cause, the mayor pro tempore of the city council, or in such person's absence or disability for any reason, any one of the councilmembers chosen by a majority vote of the city council, shall be clothed with all the rights and privileges of the mayor and shall perform the duties of the office of the mayor so long as such absence or disability shall continue. A councilmember acting as mayor shall have only one vote. A councilmember acting as mayor shall have veto power in the case of disability of the mayor but not in the case of absence of the mayor. Any such absence or disability shall be declared by majority vote of all councilmembers. The mayor pro tempore or selected councilmember shall sign all contracts and ordinances in which the mayor has a disqualifying financial interest.

ARTICLE IV**ADMINISTRATIVE AFFAIRS****SECTION 4.10.****Department heads.**

- (a) Except for the offices of city manager and executive aide to the mayor, the council, by ordinance, may establish, abolish, merge, or consolidate nonelective offices, positions of employment, departments, and agencies of the city as they shall deem necessary for the proper administration of the affairs and government of the city. The council shall prescribe the functions and duties of existing departments, offices, and agencies or of any departments, offices, and agencies hereinafter created or established; may provide that the same person shall fill any number of offices and positions of employment; and may transfer or change the functions and duties of offices, positions of employment, departments, and agencies of the city. The council may also contract with private or governmental parties for the performance of the functions of any such offices, departments, or agencies.
- (b) Except as otherwise provided by this charter or by law, the directors of departments and other officers of the city shall be appointed solely on the basis of their respective administrative and professional qualifications.
- (c) All appointed officers and directors of departments shall receive such compensation as prescribed by the city council.
- (d) There shall be a director of each department or agency who shall be its principal officer. Each director shall, subject to the direction and supervision of the city manager, be responsible for the administration and direction of the affairs and operations of the director's department or agency.
- (e) The city manager may suspend directors. The director involved may appeal to the city council which, after a hearing, may override the suspension. Any removal of a director shall be by the city council.

SECTION 4.11.**Boards.**

- (a) The city council shall create by ordinance such boards, commissions, and authorities to fulfill any investigative, quasi-judicial, or quasi-legislative function the city council deems necessary and shall by ordinance establish the composition, period of existence, duties, and powers thereof.
- (b) All members of boards, commissions, and authorities of the city shall be appointed by the mayor subject to approval by the city council for such terms of office and in such manner as shall be provided by ordinance, except where other appointing authority, terms of office, or manner of appointment is prescribed by this charter or by law.
- (c) The city council, by ordinance, may provide for the compensation and reimbursement for actual and necessary expenses of the members of any board, commission, or authority.
- (d) Except as otherwise provided by charter or by law, no member of any board, commission, or authority shall hold any elective office in the city.
- (e) Any vacancy on a board, commission, or authority of the city shall be filled for the unexpired term in the manner prescribed for the original appointment, except as otherwise provided by this charter or by law.
- (f) No member of a board, commission, or authority shall assume office until he or she has executed and filed with the clerk of the city an oath obligating himself or herself to perform faithfully and impartially the duties of the office, such oath to be prescribed by ordinance and administered by the mayor.
- (g) Any member of a board, commission, or authority may be removed from office for cause by a vote of the city council.
- (h) Except as otherwise provided by this charter or by law, each board, commission, or authority of the city shall elect one of its members as chairperson and one member as vice-chairperson, and may elect as its secretary one of its members or may appoint as secretary an employee of the city. Each board, commission, or authority of the city government may establish such bylaws, rules, and regulations, not inconsistent with this charter, an ordinance of the city, or law, as it deems appropriate and necessary for the fulfillment of its duties or the conduct of its affairs. Copies of such bylaws, rules, and regulations shall be filed with the clerk of the city.

SECTION 4.12.**City attorney.**

The mayor shall nominate a city attorney subject to ratification by the council who shall be a member of the State Bar of Georgia and shall have actively practiced law for at least one year. The city attorney shall serve at the pleasure of the mayor. The city attorney shall be responsible for representing and defending the city in all litigation in which the city is a party, may be the prosecuting officer in the municipal court, shall attend the meetings of the council as directed, shall advise the city council, mayor, and other

officers and employees of the city concerning legal aspects of the city's affairs, and shall perform such other duties as may be required by virtue of the position of city attorney. The city council shall provide for the compensation of the city attorney.

SECTION 4.13.

City clerk.

The mayor shall nominate a city clerk who shall not be a councilmember subject to ratification by the council. The city clerk shall serve at the pleasure of the mayor. The city clerk shall be custodian of the official city seal, maintain city council records required by this charter, and perform such other duties as may be required by the city council. The city council shall provide for the compensation of the city clerk.

SECTION 4.14.

City tax collector.

The mayor shall nominate a city tax collector subject to ratification by the council. The city tax collector shall serve at the pleasure of the mayor. The city tax collector shall collect all taxes, licenses, fees, and other moneys belonging to the city subject to the provisions of this charter and the ordinances of the city and to enforce all laws of Georgia relating to the collection of delinquent taxes and sale or foreclosure for nonpayment of taxes to the city. The city council shall provide for the compensation of the city tax collector.

SECTION 4.15.

City accountant.

The mayor shall nominate a city accountant subject to ratification by the council. The city accountant shall serve at the pleasure of the mayor. The city council shall provide for the compensation of the city accountant.

SECTION 4.16.

Rules and regulations.

The city council shall adopt rules and regulations consistent with this charter concerning:

- (1) The method of employee selection and probationary periods of employment;
- (2) The administration of a position classification and pay plan, methods of promotion and applications of service ratings thereto, and transfer of employees within the classification plan;
- (3) Hours of work, vacation, sick leave, and other leaves of absence, overtime pay, and the order and manner in which layoffs shall be effected;
- (4) Such dismissal hearings as due process may require; and

- (5) Such other personnel notices as may be necessary to provide for adequate and systematic handling of personnel affairs.

ARTICLE V
JUDICIAL BRANCH
SECTION 5.10.
Municipal court.

There shall be a court to be known as the Municipal Court of the City of Johns Creek.

SECTION 5.11.
Judges.

- (a) The municipal court shall be presided over by a chief judge and such part-time, full-time, or stand-by judges as shall be provided by ordinance. The chief judge shall be appointed by resolution of the city council and the method of selection and terms of any other judges shall be provided by ordinance.
- (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless that person shall have attained the age of 21 years and shall have been a member of the State Bar of Georgia for a minimum of three years.
- (c) Compensation of the chief judge and other judges shall be fixed by the city council. The position of chief judge shall not be a full-time position, and the person serving as chief judge may engage in the private practice of law.
- (d) The chief judge shall serve a term of four years, coincident with the term of the mayor, but may be removed for cause by a vote of five members of the city council or upon action taken by the Judicial Qualification Commission.
- (e) Before assuming office, each judge shall take an oath, given by the mayor, that the judge will honestly and faithfully discharge the duties of the office to the best of his or her ability and without fear, favor, or partiality. The oath shall be entered upon the minutes of the city council journal required in Section 3.14 of this charter.

SECTION 5.12.
Convening of court.

The municipal court shall be convened at regular intervals as provided by ordinance.

SECTION 5.13.
Powers.

- (a) The municipal court shall try and punish violations of this charter, all city ordinances, and such other violations as provided by law.

(b) The municipal court shall have the authority to punish those in its presence for contempt, provided that such punishment shall not exceed the statutory limits for fines and imprisonment for such municipal court.

(c) The municipal court may fix punishment for offenses within its jurisdiction, including both fines and imprisonment or alternative sentencing, provided that such fines or imprisonment does not exceed the statutory limits as now exist or hereafter provided by law.

(d) The municipal court shall have the authority to establish a schedule of fees to defray the cost of operation and shall be entitled to reimbursement of the actual cost of meals, transportation, and caretaking of prisoners bound over to superior courts for violation of state law.

(e) The municipal court shall have authority to establish bail and recognizances to ensure the presence of those charged with violations before said court and shall have discretionary authority to accept cash or personal or real property as surety bond for the appearance of persons charged with violations. Whenever any person shall give bail for appearance and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge presiding at such time and an execution shall be issued thereon by serving the defendant and his or her sureties with a rule nisi at least two days before a hearing on the rule nisi.

(f) The municipal court shall have the same authority as superior courts to compel the production of evidence in the possession of any party; to enforce obedience to its orders, judgments, and sentences; and to administer such oaths as are necessary.

(g) The municipal court shall have the authority to bind prisoners over to the appropriate court when it appears by probable cause that state law has been violated.

(h) Each judge of the municipal court may compel the presence of all parties necessary to a proper disposal of each case by the issuance of summonses, subpoenas, and warrants which may be served as executed by any officer as authorized by this charter or by law.

(i) Each judge of the municipal court shall be authorized to issue warrants for the arrest of persons charged with offenses against any ordinance of the city, and each judge of the municipal court shall have the same authority as a magistrate of the state to issue warrants for offenses against state laws committed within the city.

(j) The municipal court is specifically vested with all the jurisdiction and powers throughout the geographic area of this city granted by law to municipal courts and particularly by such laws as authorize the abatement of nuisances and prosecution of traffic violations.

SECTION 5.14.

Certiorari.

The right of certiorari from the decision and judgment of the municipal court shall exist in all criminal cases and ordinance violation cases, and such certiorari shall be obtained under the sanction of a judge of the Superior Court of Fulton County, under the laws of the State of Georgia regulating the granting and issuance of writs of certiorari.

SECTION 5.15.

Rules.

With the approval of the city council, the judge shall have full power and authority to make reasonable rules and regulations necessary and proper to secure the efficient and successful administration of the municipal court; provided, however, that the city council may adopt in part or in toto the rules and regulations applicable to superior courts. The rules and regulations made or adopted shall be filed with the city clerk, shall be available for public inspection, and, upon request, shall be furnished to all defendants in municipal court proceedings at least 48 hours prior to said proceedings.

ARTICLE VI

FINANCE

SECTION 6.10.

Property tax.

The city council may assess, levy, and collect an ad valorem tax on all real and personal property within the corporate limits of the city that is subject to such taxation by the state and county. This tax is for the purpose of raising revenues to defray the costs of operating the city government, of providing governmental services, for the repayment of principal and interest on general obligations, and for any other public purpose as determined by the city council in its discretion.

SECTION 6.11.

Millage.

(a) The city council by ordinance shall establish a millage rate for the city property tax, a due date, and the time period within which these taxes must be paid. The city council by ordinance may provide for the payment of these taxes by installments or in one lump sum, as well as authorize the voluntary payment of taxes prior to the time when due.

(b) For all years, the millage rate imposed for ad valorem taxes on real property shall not exceed 4.731, unless a higher millage rate is recommended by resolution of the city council and subsequently approved by a majority of the eligible voters of the city by referendum. This millage rate limit shall apply to the millage rate actually levied and shall not apply to the hypothetical millage rate computed under subsection (a) of Code Section 48-8-91 of the O.C.G.A., relating to conditions on imposition of the joint county and municipal sales tax.

SECTION 6.12.

Occupation taxes and business license fees.

The city council by ordinance shall have the power to levy such occupation or business taxes as are not denied by law. Such taxes may be levied on both individuals and

corporations who transact business in this city or who practice or offer to practice any profession or calling within the city to the extent such persons have a constitutionally sufficient nexus to this city to be so taxed. The city council may classify businesses, occupations, professions, or callings for the purpose of such taxation in any way which may be lawful and may compel the payment of such taxes as provided in Section 6.18 of this charter.

SECTION 6.13.

Licenses.

The city council by ordinance shall have the power to require any individual or corporation who transacts business in this city or who practices or offers to practice any profession or calling within the city to obtain a license or permit for such activity from the city and pay a reasonable fee for such license or permit where such activities are not now regulated by general law in such a way as to preclude city regulations. Such fees may reflect the total cost to the city of regulating the activity and, if unpaid, shall be collected as provided in Section 6.18 of this charter. The city council by ordinance may establish reasonable requirements for obtaining or keeping such licenses as the public health, safety, and welfare necessitate.

SECTION 6.14.

Franchises.

The city council shall have the power to grant franchises for the use of this city's streets and alleys for the purposes of railroads, street railways, telephone companies, electric companies, cable television companies, gas companies, transportation companies, and other similar organizations. The city council shall determine the duration, terms, whether the same shall be exclusive or nonexclusive, and the consideration for such franchises; provided, however, that no franchise shall be granted for a period in excess of 35 years and no franchise shall be granted unless the city receives just and adequate compensation therefor. The city council shall provide for the registration of all franchises with the city clerk in a registration book kept by the clerk. The city council may provide by ordinance for the registration within a reasonable time of all franchises previously granted.

SECTION 6.15.

Utilities/infrastructure fees.

The city council by ordinance shall have the power to assess and collect fees, charges, and tolls for sewers, sanitary and health services, or any other services provided or made available inside or outside the corporate limits of the city for the total cost to the city of providing or making available such services. If unpaid, such charges shall be collected as provided in Section 6.18 of this charter.

SECTION 6.16.

Roads.

The city council by ordinance shall have the power to assess, charge, and collect the costs of constructing, reconstructing, widening, or improving any public way, street, sidewalk, curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property owners under such terms and conditions as are reasonable. If unpaid, such charges shall be collected as provided in Section 6.18 of this charter.

SECTION 6.17.

Other taxes.

This city shall be empowered to levy any other tax allowed now or hereafter by law, and the specific mention of any right, power, or authority in this article shall not be construed as limiting in any way the general powers of this city to govern its local affairs.

SECTION 6.18.

Collection of delinquent taxes.

The city council by ordinance may provide generally for the collection of delinquent taxes, fees, or other revenue due the city under Sections 6.10 through 6.17 of this charter by whatever reasonable means as are not precluded by law. This shall include providing for the dates when the taxes or fees are due, late penalties or interest, issuance and execution of fi. fas., creation and priority of liens, making delinquent taxes and fees personal debts of the persons required to pay the taxes or fees imposed, revoking city licenses for failure to pay any city taxes or fees, and providing for the assignment or transfer of tax executions.

SECTION 6.19.

Borrowing.

The city council shall have the power to issue bonds for the purpose of raising revenue to carry out any project, program, or venture authorized under this charter or the laws of the state. Such bonding authority shall be exercised in accordance with the laws governing bond issuance by municipalities in effect at the time said issue is undertaken.

SECTION 6.20.

Revenue bonds.

Revenue bonds may be issued by the city council as state law now or hereafter provides. Such bonds are to be paid out of any revenue produced by the project, program, or venture for which they were issued.

SECTION 6.21.

Loans.

The city may obtain short-term loans and must repay such loans not later than December 31 of each year, unless otherwise provided by law.

SECTION 6.22.

Accounting and budgeting.

The city council shall set the fiscal year by ordinance. This fiscal year shall constitute the budget year and the year for financial accounting and reporting of each and every office, department, agency, and activity of the city government.

SECTION 6.23.

Budget ordinance.

The city council shall provide an ordinance on the procedures and requirements for the preparation and execution of an annual operating budget, a capital improvement program, and a capital budget, including requirements as to the scope, content, and form of such budgets and programs. The city council shall comply with the provisions of Chapter 81 of Title 36 of the O.C.G.A.

SECTION 6.24.

Operating budget.

On or before a date fixed by the city council but not later than 60 days prior to the beginning of each fiscal year, the city manager shall submit to the city council a proposed operating budget for the ensuing fiscal year. The budget shall be accompanied by a message from the city manager containing a statement of the general fiscal policies of the city, the important features of the budget, explanations of major changes recommended for the next fiscal year, a general summary of the budget, and such other comments and information as the city manager may deem pertinent. The operating budget, the capital improvements budget, the budget message, and all supporting documents shall be filed in the office of the city clerk and shall be open to public inspection.

SECTION 6.25.

Adoption.

(a) The city council may amend the operating budget proposed by the city manager, except that the budget as finally amended and adopted must provide for all expenditures required by state law or by other provisions of this charter and for all debt service requirements for the ensuing fiscal year. The total appropriations from any fund shall not exceed the estimated fund balance, reserves, and revenues.

(b) After the conducting of a budget hearing, the city council shall adopt the final operating budget for the ensuing fiscal year on or before a date fixed by ordinance of the council. If the city council fails to adopt the budget by said date, the amounts appropriated for operation for the then current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items prorated accordingly, until such time as the city council adopts a budget for the ensuing fiscal year. Adoption of the budget shall take the form of an appropriations ordinance setting out the estimated revenues in detail by sources and making appropriations according to fund and by organizational unit, purpose, or activity as set out in the budget preparation ordinance adopted pursuant to Section 6.23 of this charter.

(c) The amount set out in the adopted operating budget for each organizational unit shall constitute the annual appropriation for such, and no expenditure shall be made or encumbrance created in excess of the otherwise unencumbered balance of the appropriations or allotments thereof to which it is chargeable.

SECTION 6.26.

Levy of taxes.

Following adoption of the operating budget, the city council shall levy by ordinance such taxes as are necessary. The taxes and tax rates set by such ordinance shall be such that reasonable estimates of revenues from such levy shall at least be sufficient, together with other anticipated revenues, fund balances, and applicable reserves, to equal the total amount appropriated for each of the several funds set forth in the annual operating budget for defraying the expense of the general government of this city.

SECTION 6.27.

Changes in budget.

The city council by majority vote may make changes in the appropriations contained in the current operating budget at any regular meeting or special or emergency meeting called for such purposes.

SECTION 6.28.

Capital improvements.

(a) On or before the date fixed by the city council, but not later than 60 days prior to the beginning of each fiscal year, the city manager shall submit to the city council a proposed capital improvements budget with any recommendations as to the means of financing the improvements proposed for the ensuing year. The city council shall have the power to accept, with or without amendments, or reject the proposed program and proposed means of financing. The city council shall not authorize an expenditure for the construction of any building, structure, work, or improvement, unless the appropriations for such project

are included in the capital improvements budget, except to meet a public emergency as provided in Section 3.17 of this charter.

(b) After the conducting of a public hearing, the city council shall adopt by ordinance the final capital improvements budget for the ensuing fiscal year on or before a date fixed by ordinance of the council. No appropriations provided for in a prior capital improvements budget shall lapse until the purpose for which the appropriations were made shall have been accomplished or abandoned; provided, however, the mayor may submit amendments to the capital improvements budget at any time during the fiscal year, accompanied by any recommendations. Any such amendments to the capital improvements budget shall become effective only upon adoption by majority vote of the city council.

SECTION 6.29.

Audits.

There shall be an annual independent audit of all city accounts, funds, and financial transactions by a certified public accountant selected by the city council. The audit shall be conducted according to generally accepted accounting principles. Any audit of any funds by the state or federal government may be accepted as satisfying the requirements of this charter. Copies of all audit reports shall be available at printing costs to the public.

SECTION 6.30.

Procurement and property management.

No contract with the city shall be binding on the city unless:

- (1) It is in writing;
- (2) It is drawn or submitted and reviewed by the city attorney and, as a matter of course, is signed by the city attorney to indicate such drafting or review; and
- (3) It is made or authorized by the city council and such approval is entered in the city council journal of proceedings pursuant to Section 3.14 of this charter.

SECTION 6.31.

Purchasing.

The city council shall by ordinance prescribe procedures for a system of centralized purchasing for the city.

SECTION 6.32.

Sale of property.

(a) The city council may sell and convey any real or personal property owned or held by the city for governmental or other purposes as now or hereafter provided by law, as well as any abandoned or surplus property.

(b) The city council may quitclaim any rights it may have in property not needed for public purposes upon request by the mayor and adoption of a resolution, both finding that the property is not needed for public or other purposes and that the interest of the city has no readily ascertainable monetary value.

(c) Whenever in opening, extending, or widening any street, avenue, alley, or public place of the city a small parcel or tract of land is cut off or separated by such work from a larger tract or boundary of land owned by the city, the city council may authorize the mayor to execute and deliver in the name of the city a deed conveying said cut-off or separated parcel or tract of land to an abutting or adjoining property owner or owners in exchange for rights of way of said street, avenue, alley, or public place when such exchange is deemed to be in the best interest of the city. All deeds and conveyances heretofore and hereafter so executed and delivered shall convey all title and interest the city has in such property, notwithstanding the fact that no public sale after advertisement was or is hereafter made.

SECTION 6.33.

General homestead exemption.

(a) As used in this section, the term:

(1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal purposes levied by, for, or on behalf of the City of Johns Creek, except for any ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.

(2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of the O.C.G.A., as amended.

(b) Each resident of the City of Johns Creek is granted an exemption on that person's homestead from City of Johns Creek ad valorem taxes for municipal purposes in the amount of \$15,000.00 of the assessed value of that homestead. The value of that property in excess of such exempted amount shall remain subject to taxation.

(c) A person shall not receive the homestead exemption granted by subsection (b) of this section unless the person or person's agent files an application with the governing authority of the City of Johns Creek, or the designee thereof, giving such information relative to receiving such exemption as will enable the governing authority of the City of Johns Creek, or the designee thereof, to make a determination regarding the initial and continuing eligibility of such owner for such exemption. The governing authority of the City of Johns Creek, or the designee thereof, shall provide application forms for this purpose.

(d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year so long as the owner occupies the residence as a homestead. After a person has filed the proper application, as provided in subsection (c) of this section, it shall not be necessary to make application thereafter for any year and the exemption shall continue to be allowed to such person. It shall be the duty of any person granted the homestead exemption under subsection (b) of this section to notify the governing authority of the

City of Johns Creek, or the designee thereof, in the event that person for any reason becomes ineligible for that exemption.

(e) The exemption granted by subsection (b) of this section shall not apply to or affect state ad valorem taxes, county ad valorem taxes for county purposes, or county or independent school district ad valorem taxes for educational purposes. The homestead exemption granted by subsection (b) of this section shall be in addition to and not in lieu of any other homestead exemption applicable to municipal ad valorem taxes for municipal purposes.

(f) The exemption granted by subsection (b) of this section shall apply to all taxable years beginning on or after January 1, 2007.

SECTION 6.34.

General homestead exemption for citizens age 65 or over.

(a) As used in this section, the term:

(1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal purposes levied by, for, or on behalf of the City of Johns Creek except for any ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.

(2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of the O.C.G.A., as amended.

(3) "Senior citizen" means a person who is 65 years of age or over on or before January 1 of the year in which application for the exemption under subsection (b) of this section is made.

(b) Each resident of the City of Johns Creek who is a senior citizen is granted an exemption on that person's homestead from City of Johns Creek ad valorem taxes for municipal purposes in the amount of \$15,000.00 of the assessed value of that homestead. The value of that property in excess of such exempted amount shall remain subject to taxation.

(c) A person shall not receive the homestead exemption granted by subsection (b) of this section unless the person or person's agent files an application with the governing authority of the City of Johns Creek, or the designee thereof, giving the person's age and such additional information relative to receiving such exemption as will enable the governing authority of the City of Johns Creek, or the designee thereof, to make a determination regarding the initial and continuing eligibility of such owner for such exemption. The governing authority of the City of Johns Creek, or the designee thereof, shall provide application forms for this purpose.

(d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year so long as the owner occupies the residence as a homestead. After a person has filed the proper application, as provided in subsection (c) of this section, it shall not be necessary to make application thereafter for any year and the exemption shall continue to be allowed to such person. It shall be the duty of any person granted the homestead exemption under subsection (b) of this section to notify the governing authority of the

City of Johns Creek, or the designee thereof, in the event that person for any reason becomes ineligible for that exemption.

(e) The exemption granted by subsection (b) of this section shall not apply to or affect state ad valorem taxes, county ad valorem taxes for county purposes, or county or independent school district ad valorem taxes for educational purposes. The homestead exemption granted by subsection (b) of this section shall be in addition to and not in lieu of any other homestead exemption applicable to municipal ad valorem taxes for municipal purposes.

(f) The exemption granted by subsection (b) of this section shall apply to all taxable years beginning on or after January 1, 2007.

SECTION 6.35.

Homestead exemption for citizens age 65 or over
meeting certain income requirements.

(a) As used in this section, the term:

(1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal purposes levied by, for, or on behalf of the City of Johns Creek, including, but not limited to, any ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.

(2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of the O.C.G.A., as amended.

(3) "Income" means adjusted gross income as such term is defined in the Internal Revenue Code of 1986, as such code is defined in Code Section 48-1-2 of the O.C.G.A., except that for purposes of this section the term shall include only that portion of income or benefits received as retirement, survivor, or disability benefits under the federal Social Security Act or under any other public or private retirement, disability, or pension system which exceeds the maximum amount which may be received by an individual and an individual's spouse under the federal Social Security Act.

(4) "Senior citizen" means a person who is 65 years of age or over on or before January 1 of the year in which application for the exemption under subsection (b) of this section is made.

(b) Each resident of the City of Johns Creek who is a senior citizen is granted an exemption on that person's homestead from City of Johns Creek ad valorem taxes for municipal purposes in the amount of \$10,000.00 of the assessed value of that homestead. The exemption granted by this subsection shall only be granted if that person's income, together with the income of the spouse who also occupies and resides at such homestead does not exceed the maximum amount which may be received by an individual and an individual's spouse under the federal Social Security Act for the immediately preceding year. The value of that property in excess of such exempted amount shall remain subject to taxation.

(c) A person shall not receive the homestead exemption granted by subsection (b) of this section unless the person or person's agent files an application with the governing authority of the City of Johns Creek, or the designee thereof, giving the person's age, income, and such additional information relative to receiving such exemption as will enable the governing authority of the City of Johns Creek, or the designee thereof, to make a determination regarding the initial and continuing eligibility of such owner for such exemption. The governing authority of the City of Johns Creek, or the designee thereof, shall provide application forms for this purpose.

(d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year so long as the owner occupies the residence as a homestead. After a person has filed the proper application, as provided in subsection (c) of this section, it shall not be necessary to make application thereafter for any year and the exemption shall continue to be allowed to such person. It shall be the duty of any person granted the homestead exemption under subsection (b) of this section to notify the governing authority of the City of Johns Creek, or the designee thereof, in the event that person for any reason becomes ineligible for that exemption.

(e) The exemption granted by subsection (b) of this section shall not apply to or affect state ad valorem taxes, county ad valorem taxes for county purposes, or county or independent school district ad valorem taxes for educational purposes. The homestead exemption granted by subsection (b) of this section shall be in addition to and not in lieu of any other homestead exemption applicable to municipal ad valorem taxes for municipal purposes.

(f) The exemption granted by subsection (b) of this section shall apply to all taxable years beginning on or after January 1, 2007.

SECTION 6.36.

Homestead exemption for citizens age 70 or over
and disabled persons meeting certain income requirements.

(a) As used in this section, the term:

(1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal purposes levied by, for, or on behalf of the City of Johns Creek, including, but not limited to, any ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.

(2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of the O.C.G.A., as amended.

(3) "Income" means adjusted gross income determined pursuant to the Internal Revenue Code of 1986, as amended, for federal income tax purposes, except that for the purposes of this section the term shall include only that portion of income or benefits received as retirement, survivor, or disability benefits under the federal Social Security Act or under any other public or private retirement, disability, or pension

system which exceeds the maximum amount which may be received by an individual and an individual's spouse under the federal Social Security Act.

(4) "Senior citizen" means a person who is 70 years of age or over on or before January 1 of the year in which application for the exemption under subsection (b) of this section is made.

(b) Each resident of the City of Johns Creek who is a senior citizen or who is disabled is granted an exemption on that person's homestead from City of Johns Creek ad valorem taxes for municipal purposes for the full value of that homestead. The exemption granted by this subsection shall only be granted if that person's income, together with the income of the spouse who also occupies and resides at such homestead does not exceed the maximum amount which may be received by an individual and an individual's spouse under the federal Social Security Act for the immediately preceding year.

(c)(1) In order to qualify for the exemption provided for in subsection (b) of this section as being disabled, the person claiming such exemption shall be required to obtain a certificate from not more than three physicians licensed to practice medicine under Chapter 34 of Title 43 of the O.C.G.A., as amended, certifying that in the opinion of such physician or physicians such person is mentally or physically incapacitated to the extent that such person is unable to be gainfully employed and that such incapacity is likely to be permanent. Such certificate or certificates shall constitute part of and be submitted with the application provided for in paragraph (2) of this subsection.

(2) A person shall not receive the homestead exemption granted by subsection (b) of this section unless the person or person's agent files an application with the governing authority of the City of Johns Creek, or the designee thereof, giving the person's age, income, and such additional information relative to receiving such exemption as will enable the governing authority of the City of Johns Creek, or the designee thereof, to make a determination regarding the initial and continuing eligibility of such owner for such exemption. The governing authority of the City of Johns Creek, or the designee thereof, shall provide application forms for this purpose.

(d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year so long as the owner occupies the residence as a homestead. After a person has filed the proper application, as provided in subsection (c) of this section, it shall not be necessary to make application thereafter for any year and the exemption shall continue to be allowed to such person. It shall be the duty of any person granted the homestead exemption under subsection (b) of this section to notify the governing authority of the City of Johns Creek, or the designee thereof, in the event that person for any reason becomes ineligible for that exemption.

(e) The exemption granted by subsection (b) of this section shall not apply to or affect state ad valorem taxes, county ad valorem taxes for county purposes, or county or independent school district ad valorem taxes for educational purposes. The homestead exemption granted by subsection (b) of this section shall be in addition to and not in lieu

of any other homestead exemption applicable to municipal ad valorem taxes for municipal purposes.

(f) The exemption granted by subsection (b) of this section shall apply to all taxable years beginning on or after January 1, 2007.

ARTICLE VII
GENERAL PROVISIONS
SECTION 7.10.
Bonds for officials.

The officers and employees of this city, both elected and appointed, shall execute such surety or fidelity bonds in such amounts and upon such terms and conditions as the city council shall from time to time require by ordinance or as may be provided by law.

SECTION 7.11.
Charter language on other general matters.

Except as specifically provided otherwise by this charter, all rights, claims, actions, orders, contracts, and legal or administrative proceedings shall continue and any such ongoing work or cases shall be completed by such city agencies, personnel, or offices as may be provided by the city council.

SECTION 7.12.
Definitions and construction.

- (a) Section captions in this charter are informative only and shall not be considered as a part thereof.
- (b) The word "shall" is mandatory and the word "may" is permissive.
- (c) The singular shall include the plural, the masculine shall include the feminine, and vice versa.

SECTION 7.13.
Qualified electors.

- (a) For the purposes of the referendum elections provided for in Section 7.14 of this Act the qualified electors shall be those qualified electors of Fulton County residing within the areas described in Appendixes A and B of this charter.
- (b) For the purposes of the special election to be held on the Tuesday after the first Monday in November, 2006, the qualified electors shall be those qualified electors of Fulton County residing within the City of Johns Creek, as determined according to the results of the election provided for in Section 7.14 of this Act.

(c) At subsequent municipal elections, the qualified electors of the City of Johns Creek shall be determined pursuant to the authority of Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

(d) Only for the purpose of holding and conducting the referendum election provided for by Section 7.14 of this Act and only for the purpose of holding and conducting the special election of the City of Johns Creek to be held on the Tuesday after the first Monday in November, 2006, the election superintendent of Fulton County is vested with the powers and duties of the election superintendent of the City of Johns Creek and the powers and duties of the governing authority of the City of Johns Creek.

SECTION 7.14.

Referendum.

(a) Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election superintendent of Fulton County shall call two special elections for the purpose of submitting this Act to the qualified voters, as provided in subsection (a) of Section 7.13 of this charter, for approval or rejection. The superintendent shall set the date of such elections for the date of the general primary in 2006. The superintendent shall issue the call for such elections at least 30 days prior to the date thereof. The superintendent shall cause the date and purpose of the elections to be published once a week for two weeks immediately preceding the date thereof in the official organ of Fulton County. The ballot shall have written or printed thereon the words:

"() YES Do you approve the creation of the City of Johns Creek and the property tax rate cap and the granting of the homestead exemptions described in
() NO the Act creating the City of Johns Creek?"

All persons desiring to vote for approval of the Act shall vote "Yes," and those persons desiring to vote for rejection of the Act shall vote "No." The expense of the special elections set forth in this section shall be borne by Fulton County. It shall be the duty of the superintendent to hold and conduct such elections. It shall be his or her further duty to certify the results thereof to the Secretary of State.

(b) One special election provided for in subsection (a) of this section shall be held and conducted in the area described in Appendix A of this charter and one such special election shall be held in the area described in Appendix B of this charter. The votes of each special election shall be counted separately, and the results shall be as follows:

(1) If more than one-half of the votes cast on such question in the special election in the area described in Appendix A of this charter are for approval of the Act, it shall become of full force and effect and the territorial limits of the city shall include the area described in Appendix A of this charter. Otherwise, if one-half or less of the votes cast on such question in the special election in the area described in Appendix A of this charter are for approval of the Act it shall thereafter be void and of no force or effect, regardless of the outcome of the special election in the area described in Appendix B of this charter; and

(2) If more than one-half of the votes cast on such question in the special election in the area described in Appendix A of this charter are for approval of the Act and more than one-half of the votes cast on such question in the special election in the area described in Appendix B of this charter are for approval of the Act, the territorial limits of the city shall include the area described in Appendix B of this charter as well as the area described in Appendix A of this charter. If more than one-half of the votes cast on such question in the special election in the area described in Appendix A of this charter are for approval of the Act and one-half or less of the votes cast on such question in the special election in the area described in Appendix B of this charter are for approval of the Act, the territorial limits of the city shall include the area described in Appendix A but shall not thereafter include the area described in Appendix B of this charter.

SECTION 7.15.

Effective dates.

(a) Sections 1.10 and 1.11 of this Act and those provisions of the Act necessary for the special election provided for in Section 7.14 of this charter shall become effective immediately upon this Act's approval by the Governor or upon its becoming law without such approval.

(b) Those provisions of this Act necessary for the special election to be held on the Tuesday after the first Monday in November, 2006, as provided by Article II of this charter shall be effective upon the certification of the results of the referendum election provided for by Section 7.14 of this charter, if this Act is approved at such referendum election.

(c) The remaining provisions of this Act shall become of full force and effect for all purposes on December 1, 2006, except that the initial mayor and councilmembers shall take office immediately following their election and by action of a quorum may prior to December 1, 2006, meet and take actions binding on the city.

SECTION 7.16.

Transition.

(a) A period of time will be needed for an orderly transition of various government functions from Fulton County to the City of Johns Creek. Accordingly there shall be a transition period beginning on December 1, 2006, and ending at midnight on November 30, 2008. During such transition period, all provisions of this charter shall be effective as law, but not all provisions of this charter shall be implemented.

(b) During such transition period, Fulton County shall continue to provide within the territorial limits of Johns Creek all government services and functions which Fulton County provided in that area at the time of enactment of this charter and at actual cost as provided pursuant to Code Section 36-31-8 of the O.C.G.A., except to the extent otherwise provided in this section; provided, however, that upon at least 30 days' written notice to Fulton County by the City of Johns Creek, responsibility for any such service or

function shall be transferred to the City of Johns Creek. Effective December 1, 2006, the City of Johns Creek shall collect taxes, fees, assessments, fines and forfeitures, and other moneys within the territorial limits of Johns Creek. Where a particular tax, fee, assessment, fine, forfeiture, or other amount collected is specifically related to the provision of a particular government service or function by Fulton County, the service or function shall continue to be provided by the county contingent upon payment by the city of the actual cost of providing such service or function unless otherwise provided in a written agreement between the city and the county. Any existing contract for the performance of a governmental service with a private person residing or doing business within the city limits shall not be altered or adversely affected by the establishment by this Act of the City of Johns Creek.

(c) During the transition period, the governing authority of the City of Johns Creek:

- (1) Shall hold regular meetings and may hold special meetings as provided in this charter;
- (2) May enact ordinances and resolutions as provided in this charter;
- (3) May amend this charter by home rule action as provided by general law;
- (4) May accept gifts and grants;
- (5) May borrow money and incur indebtedness to the extent authorized by this charter and general law;
- (6) May levy and collect an ad valorem tax for calendar years 2007 and 2008;
- (7) May establish a fiscal year and budget;
- (8) May create, alter, or abolish departments, boards, offices, commissions, and agencies of the city; appoint and remove officers and employees; and exercise all necessary or appropriate personnel and management functions; and
- (9) May generally exercise any power granted by this charter or general law, except to the extent that a power is specifically and integrally related to the provision of a governmental service, function, or responsibility not yet provided or carried out by the city.

(d) Except as otherwise provided in this section, during the transition period the Municipal Court of the City of Johns Creek shall not exercise its jurisdiction. During the transition period, all ordinances of Fulton County shall remain applicable within the territorial limits of Johns Creek and the appropriate court or courts of Fulton County shall retain jurisdiction to enforce such ordinances. Upon notice by the City of Johns Creek, Fulton County shall transfer all or part of such regulatory authority and the appropriate court jurisdiction to the City of Johns Creek as contained in such notice. Any transfer of jurisdiction to the City of Johns Creek during or at the end of the transition period shall not in and of itself abate any judicial proceeding pending in Fulton County or the pending prosecution of any violation of any ordinance of Fulton County.

(e) During the transition period, the governing authority of Johns Creek may at any time, without the necessity of any agreement by Fulton County, commence to exercise its planning and zoning powers; provided, however, that the city shall give the county notice of the date on which the city will assume the exercise of such powers. Upon the governing authority of Johns Creek commencing to exercise its planning and zoning

powers, the Municipal Court of the City of Johns Creek shall immediately have jurisdiction to enforce the planning and zoning ordinances of the city. The provisions of this subsection shall control over any conflicting provisions of any other subsection of this section.

(f) Effective upon the termination of the transition period, subsections (b) through (e) of this section shall cease to apply except for the last sentence of subsection (d) which shall remain effective. Effective upon the termination of the transition period, the City of Johns Creek shall be a full functioning municipal corporation and subject to all general laws of this state.

SECTION 7.17.

Directory nature of dates.

It is the intention of the General Assembly that this Act be construed as directory rather than mandatory with respect to any date prescribed in this Act. If it is necessary to delay any action called for in this Act for providential cause, delay in securing approval under the federal Voting Rights Act, or any other reason, it is the intention of the General Assembly that the action be delayed rather than abandoned. Any delay in performing any action under this Act, whether for cause or otherwise, shall not operate to frustrate the overall intent of this Act. Without limiting the generality of the foregoing it is specifically provided that:

- (1) If it is not possible to hold the referendum election provided for in Section 7.14 of this Act on the date specified in that section, then such referendum shall be held as soon thereafter as is reasonably practicable; and
- (2) If it is not possible to hold the first municipal election provided for in Section 2.11 of this Act on the date specified in that section, then there shall be a special election for the initial members of the governing authority to be held as soon thereafter as is reasonably practicable, and the commencement of the initial terms of office shall be delayed accordingly.

SECTION 7.18.

Charter commission.

At the first regularly scheduled city council meeting, five years after the inception of the City of Johns Creek, the mayor and city council shall create a charter commission to review the city's experience and recommend to the General Assembly any changes to the city charter. All members of the charter commission must reside in the City of Johns Creek. The commission must complete the recommendations within six months of its creation.

SECTION 7.19.

Severability.

In the event any section, subsection, sentence, clause, or phrase of this Act shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, subsections, sentences, clauses, or phrases of this Act, which shall remain of full force and effect, as if the section, subsection, sentence, clause, or phrase so declared or adjudged invalid or unconstitutional were not originally a part hereof. The General Assembly hereby declares that it would have passed the remaining parts of this Act if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

SECTION 7.20.
General repealer.

All laws and parts of laws in conflict with this Act are repealed.

APPENDIX A

If approved by the voters as described in Section 7.14 of this charter, the corporate limits of the City of Johns Creek shall include the following described territory of Fulton County except that the corporate limits of the City of Johns Creek shall not include any part of the following described territory which has been validly annexed to another city by an annexation completed before this Act is approved by the Governor or becomes law without such approval:

Commencing at the northeasterly point of Fulton County, Georgia at the point where Fulton County, Georgia intersects the westerly county line of Gwinnett County, Georgia, the southerly county line of Forsyth County, Georgia, as the boundaries existed on January 1, 2006, and the Chattahoochee River; running thence generally southwesterly along the southeastern line of Fulton County where it intersects the northeasterly line of Gwinnett County, following the meanderings of the Chattahoochee River, to the point where said Fulton-Gwinnett County line intersects the dividing line between Fulton County Voting Precincts NC11A and NC06, as they existed on January 1, 2006; thence leaving said Fulton-Gwinnett County line, running northwesterly along said dividing line between voting precincts to its intersection with Barnwell Road; thence following Barnwell Road northeasterly to the point where said right-of-way intersects with Jones Bridge Road; thence following Jones Bridge Road northerly to the point where said right-of-way intersects with Old Alabama Road; thence following the right-of-way of Old Alabama Road west to the point where said right-of-way intersects with the right-of-way of Brumbelow Road; thence following the right-of-way of Brumbelow Road south to the point where said right-of-way intersects with the south land lot line of Land Lot 924, 1st District, 2nd Section, Fulton County, Georgia, said point also being the southeastern corner of that certain parcel of land (Fulton County tax id# 12318008950488, according to the parcel numbering system existing on January 1, 2006) described in that certain Quit Claim Deed, dated May 5, 1997, recorded in Deed Book 22692, page 012, Official Deed Records of Fulton County, Georgia, said

point further representing the southeasterly corner of Newtown Park; thence leaving said right-of-way running west along the south line of Land Lots 924 and 895, aforesaid District and Section, to a point at the intersection of Land Lots 894, 895, 869 and 870, aforesaid District and Section, said point also being the southwest corner of Newtown Park; thence running north along the west land lot line of Land Lot 895 to a point to its northernmost point adjacent to the east boundary of the Chartwell Subdivision, as set out on that certain plat entitled Final Subdivision Plat of Chartwell, Unit 1, Phase 1, by Travis Pruitt & Associates, Inc., recorded at Plat Book 188, page 49, Official Deed Records of Fulton County, Georgia; thence leaving said land lot line following the east boundary of the Chartwell Subdivision northwesterly to Old Alabama Road; thence running along the right-of-way of Old Alabama Road to its intersection with the northeast corner of the Old Alabama Square Shopping Center as set out on that certain plat entitled Old Alabama Square, Exemption Plat, by Post, Buckley, Schuh & Jernigan, Inc., recorded at Plat Book 220, page 124, Official Deed Records of Fulton County, Georgia; thence leaving said right-of-way running south and southwest along the east line of said shopping center parcel (said line also being set out on the aforementioned plat of Chartwell Subdivision) to a point at the southeast corner of said shopping center parcel; thence running west along the south line of said shopping center parcel to a point at the centerline of a creek, the same being located at the southwest corner of said shopping center parcel, said point also being located on the east property line of that certain parcel of land (Fulton County tax id# 12304008391576, according to the parcel numbering system existing on January 1, 2006) said parcel being described in that certain General Warranty Deed, dated June 24, 1999, recorded in Deed Book 27358, page 340, Official Deed Records of Fulton County, Georgia; thence running southerly along the meanderings of said creek along the east line of said parcel of land (Fulton County tax id# 12304008391576) to its intersection with the south land lot line of Land Lot 840, aforesaid District and Section; thence leaving the centerline of said creek running west along the south line of land lots 840 and 817 to its intersection with the easterly boundary of City of Roswell, Georgia, as said boundary existed on January 1, 2006, at the right-of-way of Nesbit Ferry Road; thence running north along said right-of-way of Nesbit Ferry Road to the point in Land Lot 818, aforesaid District and Section, where said eastern boundary leaves the right-of-way of Nesbit Ferry Road; thence following said eastern boundary northwest to the point where said eastern boundary intersects the east land lot line of Land Lot 787, aforesaid District and Section; thence running northeasterly along the eastern boundary of the City of Roswell, Georgia, following the courses and distances thereof, to a point in Land Lot 867, aforesaid District and Section, where said boundary line intersects the northwest corner of the Magnolia Park Subdivision as set out on that certain plat entitled Final Plat for Magnolia Park, by Post, Buckley, Schuh & Jernigan, Inc., recorded at Plat Book 224, page 89, Official Deed Records of Fulton County, Georgia, said point also lying on the south line of the Willow Springs Subdivision, as set out on that certain plat entitled Final Plat Willow Springs S/D, Unit 5, by Mayes Sudderth & Etheridge, Inc., recorded at Plat Book 116, page 40, Official Deed Records of Fulton

County, Georgia; thence leaving said boundary line of the City of Roswell, Georgia, running southwest along the west line of said Magnolia Park Subdivision to a point at the southwest corner of said Magnolia Park Subdivision; thence running east, north and east along the south line of said Magnolia Park Subdivision to the point where said line intersects with Haynes Bridge Road at the southeast corner of said Magnolia Park Subdivision; thence running north along the right-of-way of Haynes Bridge Road, to the point in Land Lot 867, aforesaid District and Section, at the northerly intersection of said right-of-way with the east boundary line of the aforementioned Final Plat Willow Springs S/D, Unit 5; thence leaving said right-of-way running west along the boundary line of the Willow Springs Subdivision to a point on the west land lot line of Land Lot 867, aforesaid District and Section; thence continuing north along said east boundary line of Willow Springs Subdivision following the west land lot line of Land Lots 867 and 866, aforesaid District and Section, to the point at the intersection of Land Lots 843, 844, 865 and 866, aforesaid District and Section, said point also lying on the south boundary line of that certain Wentworth Subdivision as set out on that certain plat entitled Final Plat for Wentworth, by Hayes, James & Associates, recorded at Plat Book 214, page 129, Official Deed Records of Fulton County, Georgia; thence running west along the south boundary of Wentworth Subdivision, and Land Lot 844, aforesaid District and Section, to a point at the southwest corner of said subdivision; thence leaving said land lot line running north along the west boundary of said Wentworth Subdivision, following the courses and distances thereof across the right-of-way of Haynes Bridge Road, to a point at the northwest corner of said Wentworth Subdivision, said point being located on the north line of Land Lot 844, aforesaid District and Section; thence running east along the north line of said Wentworth Subdivision, along the north lines of Land Lots 844 and 865, aforesaid District and Section, to a point at the northeast corner of said subdivision; thence leaving said land lot line, running south along the east boundary of said Wentworth Subdivision to the point at which said boundary line intersects the northerly point of that certain parcel of land (Fulton County tax id# 12302008650447, according to the parcel numbering system existing on January 1, 2006) described in that certain Deed, dated September 1, 2004, recorded in Deed Book 38424, page 122, Official Deed Records of Fulton County, Georgia; thence running southeast and southerly along the east property line of said parcel of land to a point, said point also lying at the northeast corner of that certain parcel of land (Fulton County tax id# 12302008650173, according to the parcel numbering system existing on January 1, 2006) described in that certain Deed, dated September 2, 2004, recorded in Deed Book 38424, page 118, Official Deed Records of Fulton County; thence running south along the east line of said parcel of land (Fulton County tax id# 12302008650173) to a point at the southeast corner of said parcel of land; thence running southwest along the southeast property line of said parcel of land (Fulton County tax id# 12302008650173) to a point on the right-of-way of Haynes Bridge Road; thence following the right-of-way of Haynes Bridge Road southeast to the intersection of Haynes Bridge Road and Alvin Road; thence running northeasterly along Alvin Road to a point at its intersection in Land Lot 898, aforesaid District and

Section, with the southeast corner of the Berkshire Manor Subdivision, Unit One, as set out on that certain plat recorded in the Official Deed Records of Fulton County, Georgia; thence running north along the east boundary of said Berkshire Manor Subdivision following said east boundary of the Berkshire Manor Subdivision along Unit One, Unit Three, and Unit Five thereof, to the point at which said east boundary intersects the south line of Land Lot 900 the same lying at the southwest corner of the Summer Trace Subdivision as set out on that certain plat entitled Final Plat for Summer Trace, Unit Two, by Civil Design, Inc., recorded at Plat Book 149, page 5, Official Deed Records of Fulton County, Georgia; thence running east along said south land lot line to point at the intersection of said land lot line and the southeast corner of Lot 104 of set forth on said Summer Trace Subdivision Plat; thence leaving said land lot line running northwest along the northeast property line of said Lot 104 to the north corner of said lot 104, said point also being located at the southwest corner of Unit III of the Summer Trace Subdivision as set out on that certain Final Plat for Summer Trace, Unit III, by Civil Design, Inc., recorded at Plat Book 153, page 1, Official Deed Records of Fulton County, Georgia; thence running northwest along the westerly line of said Unit III of the Summer Trace Subdivision following the courses and distances thereof to a point at its intersection with the City of Alpharetta, Georgia, as it existed on January 1, 2006, at Long Indian Creek; thence following said boundary line of the City of Alpharetta, Georgia southeasterly along the meanderings of Long Indian Creek to the point where Long Indian Creek intersects the easterly line of Land Lot 864, aforesaid District and Section, there leaving said boundary line of the City of Alpharetta, Georgia; thence continuing along the meanderings of Long Indian Creek easterly to the point where Long Indian Creek intersects the east line of Land Lot 918, aforesaid District and Section; thence leaving Long Indian Creek running south along said east land lot line of Land Lot 918 to the point where said east line intersects with the north line of Land Lot 11, 1st District, 1st Section of Fulton County, Georgia; thence running east along said north land lot line of said Land Lot 11 to a point where said land lot line intersects with that certain Storm Drain Line located northeasterly from the northeastern line of Timberstone Subdivision, Section III, as set out on that certain plat entitled Final Subdivision Map for Timberstone Section III, by Urban Engineers, Inc., recorded at Plat Book 115, page 81, Official Deed Records of Fulton County, Georgia; thence following the meanderings of said Storm Drain Line southeasterly in said Land Lot 11 to the point where said Storm Drain Line intersects with the south line of said Land Lot 11; thence running east along said south line of said Land Lot 11 to the point at the intersection of Land Lots 11, 12, 35 and 36, aforesaid District and Section; thence running south along the east line of said Land Lot 12 to the point where said land lot line intersects with the southwest corner of Lauren Hall Subdivision, as set out on that certain plat entitled Final Plat of Lauren Hall Subdivision, by Watts & Browning Engineers, Inc., dated February 13, 1995, recorded at Plat Book 186, page 2, Official Deed Records of Fulton County, Georgia; thence running easterly along the south line of said Lauren Hall Subdivision following the courses and distances thereof to a point on the northwesterly right-of-way of Jones Bridge Road; thence running northeast

along said northwesterly right-of-way of Jones Bridge Road to the point at which said right-of-way intersects the northeast right-of-way of Waters Road; thence leaving said right-of-way of Jones Bridge Road running northwest along said northeast right-of-way of Waters Road to a point at the northwesterly corner of that certain parcel of land (Fulton County tax id# 11018000580174, according to the parcel numbering system existing on January 1, 2006) described in that certain Warranty Deed, dated January 2, 1996, recorded in Deed Book 20494, page 331, Official Deed Records of Fulton County, Georgia; thence leaving said right-of-way running northeasterly along the northerly property line of said parcel of land to a point at the northeast corner of said parcel of land, said point also constituting the northwesterly corner of that certain parcel of land (Fulton County tax id# 11018000581370, according to the parcel numbering system existing on January 1, 2006) described in that certain Warranty Deed, dated April 19, 2002, recorded in Deed Book 32301, page 65, Official Deed Records of Fulton County, Georgia; thence running northeasterly along the northerly property line of said parcel of land (Fulton County tax id# 11018000581370) to a point at the northeast corner of said parcel of land, said point being located on the southwesterly property line of that certain parcel of land (Fulton County tax id# 11018000570290, according to the parcel numbering system existing on January 1, 2006) described in that certain Warranty Deed, dated October 10, 2001, recorded in Deed Book 31201, page 149, Official Deed Records of Fulton County, Georgia; thence running northwesterly along said southwesterly property line to a point at the northwest corner of said parcel of land; thence running southeasterly along the northwesterly property line to a point at the northeast corner of said parcel of land, said point being located on the east land lot line of Land Lot 58, aforesaid District and Section; thence running north along the east line of Land Lots 58, 57, and 56, aforesaid District and Section, to a point at the intersection of Land Lots 55, 56, 77 and 78, aforesaid District and Section; thence running east along the north line of Land Lots 77 and 96, aforesaid District and Section, to a point at the intersection of Land Lots 95, 96, 115 and 116, aforesaid District and Section; thence running south along the east line of said Land Lot 96 to a point located at the northwesterly corner of that certain parcel of land (Fulton County tax id# 11028001150240, according to the parcel numbering system existing on January 1, 2006) described in that certain Executor's Deed, dated May 28, 2003, recorded in Deed Book 35203, page 391 Official Deed Records of Fulton County, Georgia; thence leaving said land lot line running east along the north property line of said parcel of land (Fulton County tax id# 11028001150240), to a point on the westerly right-of-way of Buice Road; thence following said right-of-way northerly and westerly to the point where said right-of-way intersects the east line of Land Lot 94, aforesaid District and Section, said point being located on the east boundary of Ocee Park; thence leaving said right-of-way running south along said east line to a point at the intersection of Land Lots 94, 95, 116, and 117, aforesaid District and Section; thence running west along the south line of said Land Lot 94 to a point at the intersection of Land Lots 78, 79, 94 and 95, aforesaid District and Section; running thence north along the west line of said Land Lot 94 to a point at the intersection of Land Lots 79, 80, 93 and 94, aforesaid District

and Section; thence running east along the north line of said Land Lot 94 to a point located at the southeast corner of that certain parcel of land (Fulton County tax id# 11027000930164, according to the parcel numbering system existing on January 1, 2006) the same being set forth on that certain plat entitled Final Plat for Donald Allen Fuqua, by Brumbelow-Reese & Assoc., Inc., dated November 10, 1983, recorded at Plat Book 133, page 16, Official Deed Records of Fulton County, Georgia; thence leaving said land lot line running northwesterly along the east property line of said parcel of land to a point on the southeast right-of-way of Kimball Bridge Road; thence running northeast along said right-of-way to the intersection of said right-of-way and the east right-of-way of Buice Road; thence leaving said right-of-way of Kimball Bridge Road running southeasterly along the east right-of-way of Buice Road, following the courses and distances thereof, to the point at the intersection of said right-of-way and the south line of Land Lot 116, aforesaid District and Section, said point being located at the southwest corner of the Pinewalk Subdivision, Unit One, as set forth on that certain plat entitled Final Plat – Unit One – Pinewalk Subdivision, by Engineering and Surveying, Inc., recorded at Plat Book 158, page 101, Official Deed Records of Fulton County, Georgia; thence leaving said right-of-way of Buice Road running east along the south line of Land Lots 116 and 133, aforesaid District and Section, along the south property line of said Pinewalk Subdivision to a point at the southeast corner of said subdivision; thence leaving said land lot line running north along the east property line of said Pinewalk Subdivision, Unit One, as shown on said plat, to a point at the northeast corner of said Pinewalk Subdivision; thence running west along the north line of said Pinewalk Subdivision, Unit One, as shown on said plat, to the point at which said property line intersects with the west land lot line of said Land Lot 133; thence running north along the west land lot line of Land Lot 133, 132 and 131, aforesaid District and Section to a point at the intersection of Land Lots 118, 119, 130 and 131, aforesaid District and Section; thence running west along the south line of said Land Lot 119, 100.31 feet to a point at the intersection of said land lot line and the a point immediately south of the southeast corner of The Pines at Kimball Bridge, Unit One, as set forth on that certain plat entitled Final Plat of: The Pines at Kimball Bridge, Unit One, by Hayes, James & Associates, recorded at Plat Book 140, page 33, Official Deed Records of Fulton County, Georgia; thence leaving said south land lot line running north to and along the east line of said subdivision continuing along said course across the right-of-way of Kimball Bridge Road to a point on the northwesterly right-of-way of Kimball Bridge Road; thence running northeasterly following said northwesterly right-of-way of Kimball Bridge Road to a point at the intersection of said right-of-way with the westerly right-of-way of Fox Road; thence running northerly along said westerly right-of-way of Fox Road to a point where said right-of-way intersects with the south line of Land Lot 196, aforesaid District and Section; thence leaving said right-of-way running east along the south line of Land Lots 196 and 232, aforesaid District and Section to a point at the intersection of said land lot line and the southeast corner of that certain Windward / Southpointe Development as set forth on that certain plat entitled Final Plat for Windward Properties, Inc. Being Pod

39, Blocks I, J & K, Windward / Southpointe, by Rochester Associates, Inc., recorded at Plat Book 159, page 130, Official Deed Records of Fulton County, Georgia; thence leaving said south land lot line running north along the east property line of said Windward / Southpointe Development to a point where said east property line intersects with the north line of Land Lot 232, aforesaid District and Section; thence running east along the north lines of Land Lots 232 and 233, aforesaid District and Section to the point at the intersection of said land lot line of Land Lot 233 and the northwest right-of-way of Jones Bridge Road; thence leaving said land lot line running northeast along said northwest right-of-way of Jones Bridge Road to the point where said right-of-way intersects the east line of Land Lot 1256, 2nd District, 1st Section, Fulton County, Georgia; running thence north along the east line of Land Lots 1256, 1231, 1190 and 1165, aforesaid District and Section, to the northerly point of Laurel Cove Subdivision – Unit II on said east line of said Land Lot 1165 as set forth on that certain plat entitled Final Plat Laurel Cove – Unit II, Douglas Road (Formerly Known as Huntington Trace Subdivision – Unrecorded), by Patterson & Smith, Inc., dated October 2, 2001, last revised August 7, 2002, recorded at Plat Book 231, page 88, Official Deed Records of Fulton County, Georgia; thence leaving said land lot line running northwesterly along the northeasterly property line of said Unit II of said subdivision, following the courses and distances thereof, to the point where said property line intersects the easterly property line of Laurel Cove Subdivision, Unit I, as set forth on that certain plat entitled Final Plat Laurel Cove / Douglas Road, dated May 3, 2001, recorded at Plat Book 238, page 74, Official Deed Records of Fulton County, Georgia, thence continuing northerly, following the courses and distances of Unit I thereof, to the point at which said easterly property line of said Laurel Cove Subdivision, Unit I, intersects with the north land lot line of Land Lot 1165, aforesaid District and Section; thence running east along the north line of Land Lot 1165, aforesaid District and Section, to a point located at the intersection of Land Lots 1124, 1125, 1164 and 1165, aforesaid District and Section; thence leaving said land lot line running northwest, southwest and northwest along the easterly property line of the Calumet Subdivision as set forth on that certain plat entitled Final Plat of Calumet, by Watts & Browning Engineers, dated January 16, 1991, revised January 23, 1991, recorded at Plat Book 171, page 14, Official Deed Records of Fulton County, Georgia, to the point where said easterly property line intersects the southerly right-of-way of Old McGinnis Ferry Road; thence running westerly along the right-of-way of said Old McGinnis Ferry Road to the westerly point of said Calumet Subdivision adjacent to said right-of-way; thence leaving said right-of-way running southerly and easterly along the north property line of said Calumet Subdivision to the point where said north property line intersect the southeast corner of that certain parcel of land (Fulton County tax id# 21572011240102, according to the parcel numbering system existing on January 1, 2006) described in that certain Warranty Deed, dated April, 1982, recorded in Deed Book 8114, page 202 Official Deed Records of Fulton County, Georgia; thence leaving said north property line of Calumet Subdivision running north along the east property line of said parcel of land (Fulton County tax id# 21572011240102) following the course thereof to a point on the

line dividing Fulton County, Georgia and Forsyth County, Georgia; running thence southeasterly along said Fulton-Forsyth County line to the point where said line intersects the westerly county line of Gwinnett County and the Chattahoochee River, said point being the point of beginning. All references and points set out herein are as of January 1, 2006 unless otherwise stated.

APPENDIX B

If approved by the voters as described in Section 7.14 of this charter, the corporate limits of the City of Johns Creek shall include the following described territory of Fulton County except that the corporate limits of the City of Johns Creek shall not include any part of the following described territory which has been validly annexed to another city by an annexation completed before this Act is approved by the Governor or becomes law without such approval:

Commencing at the point where the line dividing Fulton County, Georgia and Gwinnett County, Georgia, as they existed on January 1, 2006, intersects the dividing line between Fulton County Voting Precincts NC11A and NC06, as they existed on January 1, 2006; thence leaving said Fulton-Gwinnett County line, running northwesterly along said dividing line between voting precincts to its intersection with Barnwell Road; thence following Barnwell Road northeasterly to the point where said right-of-way intersects with Jones Bridge Road; thence following Jones Bridge Road northerly to the point where said right-of-way intersects with Old Alabama Road; thence following the right-of-way of Old Alabama Road west to the point where said right-of-way intersects with the right-of-way of Brumbelow Road; thence following the right-of-way of Brumbelow Road south to the point where said right-of-way intersects with the south land lot line of Land Lot 924, 1st District, 2nd Section, Fulton County, Georgia, said point also being the southeastern corner of that certain parcel of land (Fulton County tax id# 12318008950488, according to the parcel numbering system existing on January 1, 2006) described in that certain Quit Claim Deed, dated May 5, 1997, recorded in Deed Book 22692, page 012, Official Deed Records of Fulton County, Georgia, said point further representing the southeasterly corner of Newtown Park; thence leaving said right-of-way running west along the south line of Land Lots 924 and 895, aforesaid District and Section, to a point at the intersection of Land Lots 894, 895, 869 and 870, aforesaid District and Section, said point also being the southwest corner of Newtown Park; thence running north along the west land lot line of Land Lot 895 to a point to its northernmost point adjacent to the eastern boundary of the Chartwell Subdivision, as set out on that certain plat entitled Final Subdivision Plat of Chartwell, Unit 1, Phase 1, by Travis Pruitt & Associates, Inc., recorded at Plat Book 188, page 49, Official Deed Records of Fulton County, Georgia; thence leaving said land lot line following the eastern boundary of the Chartwell Subdivision northwest to Old Alabama Road; thence running along the right-of-way of Old Alabama Road to its intersection with the northeast corner of the Old Alabama Square Shopping Center as set out on that certain plat entitled Old Alabama Square, Exemption Plat, by Post, Buckley, Schuh &

Jernigan, Inc., recorded at Plat Book 220, page 124, Official Deed Records of Fulton County, Georgia; thence leaving said right-of-way running south and southwest along the east line of said shopping center parcel (said line also being set out on the aforementioned plat of Chartwell Subdivision) to a point at the southeast corner of said shopping center parcel; thence running west along the south line of said shopping center parcel to a point at the centerline of a creek, the same being located at the southwest corner of said shopping center parcel, said point also being located on the east property line of that certain parcel of land (Fulton County tax id# 12304008391576, according to the parcel numbering system existing on January 1, 2006) said parcel being described in that certain General Warranty Deed, dated June 24, 1999, recorded in Deed Book 27358, page 340, Official Deed Records of Fulton County, Georgia; thence running southerly following the meanderings of said creek along the east line of said parcel of land (Fulton County tax id# 12304008391576) to its intersection with the south land lot line of Land Lot 840, aforesaid District and Section; thence leaving the centerline of said creek running west along the south line of land lots 840 and 817 to its intersection with the easterly boundary of City of Roswell, Georgia, as it existed on January 1, 2006, at the right-of-way of Nesbit Ferry Road; thence running south along Nesbit Ferry Road, and said eastern boundary of the City of Roswell, Georgia, to a point in Land Lot 832, aforesaid District and Section, where said eastern boundary of the City of Roswell, Georgia leaves the right-of-way of Nesbit Ferry Road; thence continuing south along the right-of-way of Nesbit Ferry Road to the point where said eastern boundary of the City of Roswell, Georgia re-intersects said right-of-way; thence continuing south along said right-of-way of Nesbit Ferry Road and the eastern boundary of the City of Roswell, Georgia to the intersection of Nesbit Ferry Road and Holcomb Bridge Road; thence continuing south along the eastern boundary of the City of Roswell, Georgia, along the right-of-way of Holcomb Bridge Road, to its intersection with the right-of-way of Barnwell Road; thence leaving the right-of-way of Holcomb Bridge Road and said east boundary of the City of Roswell, Georgia, running northeast along the right-of-way of Barnwell Road to its most northerly point of intersection with that certain parcel of land (Fulton County tax id# 12323008840127, according to the parcel numbering system existing on January 1, 2006) described in that certain Warranty Deed, dated July 26, 1984, recorded in Deed Book 9245, page 10, Official Deed Records of Fulton County, Georgia; thence leaving said right-of-way running east along the northerly property line of said parcel of land (Fulton County tax id# 12323008840127) to the northeast corner of said parcel of land, the same lying on said Fulton-Gwinnett County line; thence running northeasterly along said Fulton-Gwinnett County line, following the meanderings of the Chattahoochee River to a point where said Fulton-Gwinnett County line intersects the dividing line between Fulton County Voting Precincts NC11A and NC06, said point being the point of beginning. All references and points set out herein are as of January 1, 2006 unless otherwise stated.

APPENDIX C

CERTIFICATE AS TO MINIMUM STANDARDS
FOR INCORPORATION OF A NEW MUNICIPAL CORPORATION

I, Representative Mark Burkhalter, Georgia State Representative from the 50th District and the author of this bill introduced at the 2006 Session of the General Assembly of Georgia, which grants an original municipal charter to the City of Johns Creek do hereby certify that this bill is in compliance with the minimum standards required by Chapter 31 of Title 36 of the O.C.G.A. This certificate is executed to conform to the requirements of Code Section 36-31-5 of the O.C.G.A.

So certified, this _____ day of _____, 20__.

Representative, 50th District
Georgia House of Representatives

Representative Burkhalter of the 50th moved that the House agree to the Senate substitute to HB 1321.

On the motion, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Sailor
Y Amerson	Y Cummings	N Holmes	Y Maxwell	Scheid
E Anderson	Davis	Y Holt	Y May	Y Scott, A
Y Ashe	E Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	E McClinton	Y Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
N Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Sims, C
Y Benfield	Y Drenner	Y Jackson	Y Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Morgan	N Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
Y Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Fludd	Y Jordan	Y Oliver	Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	E Orrock	Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker

Y Casas	Y Greene	Y Lewis	Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	Heard, K	Y Lunsford	Y Rice	N Williams, E
Coleman, B	N Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	N Mangham	Y Rogers	Y Wix
Y Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Marin	Y Rynders	Richardson, Speaker

On the motion, the ayes were 153, nays 6.

The motion prevailed.

Under the general order of business, established by the Committee on Rules, the following Bills of the House were taken up for consideration and read the third time:

HB 1310. By Representatives O'Neal of the 146th, Knight of the 126th, Cole of the 125th, Smith of the 131st and Mosby of the 90th:

A BILL to be entitled an Act to amend Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, so as to provide for the comprehensive revision of provisions regarding revenue and taxation; to define the terms "Internal Revenue Code" and "Internal Revenue Code of 1986" and thereby incorporate certain provisions of federal law into Georgia law; to change certain provisions relating to confidential information; to change certain provisions regarding forms of payment; to change certain provisions regarding extension of time for certain returns; to change certain provisions regarding sales and use tax return allowances; to provide effective dates; to provide for applicability; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, so as to provide for the comprehensive revision of provisions regarding revenue and taxation; to define the terms "Internal Revenue Code" and "Internal Revenue Code of 1986" and thereby incorporate certain provisions of federal law into Georgia law; to change certain provisions relating to confidential information; to change certain provisions regarding forms of payment; to change certain provisions regarding extension of time for certain returns; to change certain provisions regarding sales and use tax return

allowances; to provide effective dates; to provide for applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is amended by striking paragraph (14) of Code Section 48-1-2, relating to definitions regarding revenue and taxation, and inserting in its place a new paragraph (14) to read as follows:

(14) 'Internal Revenue Code' or 'Internal Revenue Code of 1986' means for taxable years beginning on or after January 1, ~~2005~~ 2006, the provisions of the United States Internal Revenue Code of 1986 provided for in federal law enacted on or before January 1, ~~2005~~ 2006, except Section 168(k), (but not excepting Section 168(k)(2)(A)(i), Section 168(k)(2)(D)(i), and Section 168(k)(2)(E)), Section 199, ~~and Section 1400L, Section 1400N(d)(1), Section 1400N(j), and Section 1400N(k)~~ of the Internal Revenue Code of 1986 shall be treated as if they were not in effect. In the event a reference is made in this title to the Internal Revenue Code or the Internal Revenue Code of 1954 as it existed on a specific date prior to January 1, ~~2005~~ 2006, the term means the provisions of the Internal Revenue Code or the Internal Revenue Code of 1954 as it existed on the prior date. Unless otherwise provided in this title, any term used in this title shall have the same meaning as when used in a comparable provision or context in the Internal Revenue Code of 1986. For taxable years beginning on or after January 1, ~~2005~~ 2006, provisions of the Internal Revenue Code of 1986 which were as of January 1, ~~2005~~ 2006, enacted into law but not yet effective shall become effective for purposes of Georgia taxation on the same dates upon which they become effective for federal tax purposes."

SECTION 2.

Said title is further amended in Code Section 48-2-15, relating to confidential information, by adding a new subsection (e) to read as follows:

"(e) This Code section shall not be construed to prohibit persons or groups of persons other than employees of the department from having access to tax information when necessary to conduct research commissioned by the department and when necessary for data processing operations and maintenance of data processing equipment, provided the persons or groups of persons have obtained prior written approval from the commissioner and are subject to the direct security control of department personnel during all periods of access. Any person who divulges or makes known any tax information obtained under this subsection shall be subject to the same civil and criminal penalties as those provided for divulgence of information by employees of the department."

SECTION 3.

Said title is further amended in subsection (f) of Code Section 48-2-32, relating to forms of payment, by adding a new paragraph immediately following paragraph (2), to be designated paragraph (2.1), to read as follows:

"(2.1) The commissioner may require that any person or business owing more than \$5,000.00 in connection with any return, report, or other document pertaining to sales tax, use tax, withholding tax, or motor fuel distributor tax required to be filed with the department on or after July 1, 2006, shall pay any such sales tax, use tax, withholding tax, or motor fuel distributor tax liability to the state by electronic funds transfer so that the state receives collectable funds on the date such payment is required to be made. In emergency situations, the commissioner may authorize alternative means of payment in funds immediately available to the state on the date of payment."

SECTION 4.

Said title is further amended by striking Code Section 48-2-36, relating to extension of time for returns, and inserting in its place a new Code Section 48-2-36 to read as follows:

"48-2-36.

(a) The commissioner may grant, upon written request, a reasonable extension of time for filing returns, declarations, or other documents required under state revenue laws whenever, in the reasonable exercise of ~~his~~ such commissioner's judgment, a good cause for the extension exists. The commissioner shall keep a record of every extension granted and the reason for the extension. No extension or extensions, except as otherwise expressly provided by law, shall aggregate more than six months, nor shall any extension of time for filing returns, except as otherwise expressly provided by law, operate to delay the payment of a tax unless a bond satisfactory to the commissioner is posted. In no event shall the commissioner extend the time of filing returns which are required to be filed with the tax receiver or tax commissioner.

(b) Notwithstanding any other provision in the laws of this state, in the case of a taxpayer determined by the commissioner to be affected by a presidentially declared disaster, as defined in Internal Revenue Code Section 1033(h)(3), or a terroristic or military action, as defined in Internal Revenue Code Section 692(c)(2), the commissioner may specify a period of up to one year that may be disregarded in determining, under the laws of this state, in respect of any tax liability, fee liability, or other liability of such taxpayer:

(1) Whether any of the actions described in subsection (c) of this Code section were performed within the time prescribed therefor, determined without regard to extension under any other provision of the laws of this state for periods after the date, as determined by the commissioner, of such disaster or action;

(2) The amount of any interest, penalty, or addition to the taxes, fees, or other liability for periods after the date, as determined by the commissioner, of such disaster or action; and

(3) The amount of any refund.

(c) Actions which may be extended:

- (1) Filing any return of taxes, fees, or other liability;
- (2) Payment of any taxes, fees, or other liability or any installment thereof;
- (3) Filing a petition with the superior court or the office of state administrative hearings as allowed under the laws of this state;
- (4) Allowance of a refund of any taxes, fees, or other liability;
- (5) Filing a claim for refund of any taxes, fees, or other liability;
- (6) Bringing suit upon any such claim for refund;
- (7) Assessment of any taxes, fees, or other liability;
- (8) Giving or making any notice, assessment, or demand for the payment of any taxes, fees, or other liability;
- (9) Collection, by the commissioner, by tax execution, or otherwise, of the amount of any liability of any taxes, fees, or other liability;
- (10) Bringing suit by the department, or any officer on its behalf, in respect of any liability in respect of any taxes, fees, or other liability; and
- (11) Any other action required or permitted under the laws administered by the commissioner."

SECTION 5.

Said title is further amended by striking Code Section 48-8-58, relating to sales and use tax return allowances, and inserting in its place a new Code Section 48-8-58 to read as follows:

"48-8-58.

(a)(1) As used in this subsection, the term 'return allowance' means the amount of the sales price or cost price refunded by the dealer to the purchaser in cash or credit. No credit shall be allowed to the dealer under this subsection for taxes collected by ~~him~~ such dealer from the purchaser unless the taxes collected have been returned by ~~him~~ the dealer to the purchaser.

(2) When property sold is subsequently returned by agreement to the dealer by the purchaser, the dealer shall be entitled to credit for the tax imposed by this article with respect to the return allowance, in the manner prescribed by the commissioner, as follows:

(A) ~~If property is returned within 90 days from the date of sale, the~~ The dealer in ~~his~~ the original return for the taxable period in which the return of the property is allowed ~~by him~~ may deduct from ~~his~~ the dealer's gross sales the amount of the return allowance; or

(B) ~~If property is returned more than 90 days from the date of sale, no credit shall be allowed except upon application for a credit memorandum in the amount of the tax imposed with respect to the return allowance. The application shall be made and the credit memorandum issued in the manner prescribed by the commissioner. The application shall be made within the time provided by law for the filing of claims for refund. The credit memorandum shall be applied by the dealer to his liability for each succeeding taxable period until exhausted; or~~

~~(B)(C)~~ When a dealer has retired from business and has filed a final return, a claim for refund of the tax for which the dealer would be entitled to credit under this subsection may be filed within the time and in the manner prescribed ~~by law~~ under Code Section 48-2-35.

(b) The commissioner shall make available to dealers all necessary forms for filing returns and instructions to ensure a full collection from dealers and an accounting for the taxes due. Failure of any dealer to secure the commissioner's forms shall not relieve the dealer from the payment of the tax at the time and in the manner provided in this article.

(c) The commissioner shall promulgate any rules and regulations necessary to implement this Code section."

SECTION 6.

(a) Except as otherwise provided in this section, this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

(b) Section 1 of this Act shall become effective on its approval by the Governor or upon its becoming law without such approval and shall be applicable to all taxable years beginning on or after January 1, 2006. Provisions of the Internal Revenue Code of 1986 which were as of January 1, 2006, enacted into law but not yet effective shall become effective for purposes of Georgia taxation on the same dates upon which they become effective for federal tax purposes.

SECTION 7.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Y Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Scheid
E Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	E Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	E McClinton	Y Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
Y Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Y Drenner	Y Jackson	Y Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Morgan	Y Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
Y Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Jones, J	Y Murphy, Q	Y Smith, V

Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Buckner, G	Y Franklin	Y Keown	E Orrock	Y Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Y Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 167, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

Representative Jones of the 46th stated that she had been called from the floor of the House during the preceding roll call. She wished to be recorded as voting "aye" thereon.

HB 1326. By Representatives Coan of the 101st, Williams of the 4th, Butler of the 18th, Carter of the 159th, Cox of the 102nd and others:

A BILL to be entitled an Act to amend Code Section 34-8-156 of the Official Code of Georgia Annotated, relating to the State-wide Reserve Ratio for unemployment compensation, so as to change certain provisions regarding adjustment in contribution rates; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend Code Section 34-8-156 of the Official Code of Georgia Annotated, relating to the State-wide Reserve Ratio for unemployment compensation, so as to change certain provisions regarding adjustment in contribution rates; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 34-8-156 of the Official Code of Georgia Annotated, relating to the State-wide Reserve Ratio for unemployment compensation, is amended by striking in its entirety subparagraph (d)(4)(B) and inserting in lieu thereof the following:

"(B) Except for any year or portion of a year during which the provisions of paragraph (1) of subsection (f) of Code Section 34-8-155 apply, when the State-wide Reserve Ratio, as calculated above, is less than 1.7 percent, there shall be an overall increase in the rate, as of the computation date, for each employer whose rate is computed under a rate table in Code Section 34-8-155 in accordance with the following table:

If the State-wide Reserve Ratio:

Equals or Exceeds	But Is Less Than	Overall Increase
1.5 percent	1.7 percent	25 percent
1.25 percent	1.5 percent	50 percent
0.75 percent	1.25 percent	75 percent
Under 0.75 percent		100 percent

provided, however, that for the ~~period~~ periods of January 1 through December 31, ~~2006~~ 2004; January 1 through December 31, 2005; and January 1 through December 31, 2006, the overall increase in the rate required under this subparagraph shall be suspended and the provisions of this subparagraph shall be null and void, except in the event the State-wide Reserve Ratio, as calculated above, is less than 1.00 percent on the computation date with respect to rates applicable to calendar year 2004, 2005, or 2006, then for each such year the Commissioner of Labor shall have the option of imposing an increase in the overall rate of up to 35 percent, as of the computation date, for each employer whose rate is computed under a rate table in Code Section 34-8-155; and provided, further, that for the period of January 1 through December 31, 2007, the overall increase in the rate required under this subparagraph shall be suspended and the provisions of this subparagraph shall be null and void, except in the event the State-wide Reserve Ratio, as calculated above, is less than 1.25 percent on the computation date with respect to rates applicable to calendar year 2007, then the Commissioner of Labor shall have the option of imposing an increase in the overall rate of up to 35 percent, as of the computation date, for each employer whose rate is computed under a rate table in Code Section 34-8-155."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Y Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Scheid
E Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	E Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	E McClinton	Y Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
Y Beasley-Teague	Dollar	Y Hugley	Y Mills	Y Sims, C
Benfield	Y Drenner	Y Jackson	Y Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Morgan	Y Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
Y Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Jones, J	Y Murphy, Q	Y Smith, V
Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	E Orrock	Y Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Willard
Y Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Y Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 164, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

Representative Jones of the 46th stated that she had been called from the floor of the House during the preceding roll call. She wished to be recorded as voting "aye" thereon.

The following Resolutions of the House were read and referred to the Committee on Rules:

HR 1658. By Representative Knight of the 126th:

A RESOLUTION commending Miss Alexa Cocker and inviting her to appear before the House of Representatives; and for other purposes.

HR 1659. By Representatives Maxwell of the 17th, Richardson of the 19th, Reese of the 98th, Cox of the 102nd and Geisinger of the 48th:

A RESOLUTION commending Jeff Dillard for his role in saving the life of Kenny Edwards and inviting him to appear before the House of Representatives; and for other purposes.

HR 1660. By Representatives Sheldon of the 105th, Coleman of the 97th and Reese of the 98th:

A RESOLUTION commending the BEST Robotics team from Mill Creek High School and inviting its members to the House of Representatives; and for other purposes.

Under the general order of business, established by the Committee on Rules, the following Bills of the House were taken up for consideration and read the third time:

HB 1187. By Representatives Willard of the 49th, Geisinger of the 48th, Lindsey of the 54th, Holmes of the 61st, Burkhalter of the 50th and others:

A BILL to be entitled an Act to amend Article 5 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to uniform property tax administration and equalization, so as to provide for an additional county classification for appraisal staff purposes; to change certain provisions regarding composition and duties of county appraisal staffs; to change certain provisions regarding designation and duties of chief appraisers; to change certain provisions regarding selection of the chairperson of the board of tax assessors; to provide an effective date; to repeal conflicting laws; and for other purposes.

Representative Dean of the 59th moved that HB 1187 be recommitted to the Committee on Ways & Means.

On the motion, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	N Crawford	N Hill, C.A	N Martin	Y Sailor
N Amerson	N Cummings	Y Holmes	N Maxwell	N Scheid
E Anderson	N Davis	N Holt	N May	N Scott, A
Y Ashe	E Day	N Horne	N McCall	N Scott, M
N Barnard	Y Dean	N Houston	E McClinton	N Setzler
Y Barnes	N Dickson	Y Howard, E	N Meadows	N Shaw
N Bearden	N Dodson	N Hudson	E Millar	N Sheldon
Beasley-Teague	N Dollar	Y Hugley	N Mills	N Sims, C
Y Benfield	Y Drenner	Y Jackson	Y Mitchell	Sims, F
N Benton	Y Dukes	N Jacobs	Morgan	Y Sinkfield
N Black	N Ehrhart	Y James	N Morris	N Smith, B
Y Bordeaux	N England	Jamieson	Mosby	N Smith, L
N Borders	Y Epps	Y Jenkins	N Mosley	N Smith, P
N Bridges	N Everson	N Jennings	N Mumford	N Smith, R
Y Brooks	N Fleming	N Johnson	Murphy, J	N Smith, T
N Brown	N Floyd, H	N Jones, J	Y Murphy, Q	N Smith, V
Bruce	N Floyd, J	Y Jones, S	N Neal	Y Smyre
Y Bryant	Fludd	Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	N Forster	N Keen	N O'Neal	N Stephens
Y Buckner, G	N Franklin	N Keown	E Orrock	Y Stephenson
N Burkhalter	N Freeman	Y Kidd	Parham	N Talton
N Burmeister	Y Gardner	N Knight	N Parrish	N Teilhet
N Burns	N Geisinger	N Knox	N Parsons	Y Thomas, A.M
N Butler	N Golick	N Lakly	Y Porter	Y Thomas, B
N Byrd	N Graves, D	N Lane, B	N Powell	N Tumlin
N Carter	N Graves, T	N Lane, R	N Ralston	N Walker
N Casas	N Greene	N Lewis	Y Randall	N Warren
N Chambers	N Hanner	N Lindsey	N Ray	Y Watson
N Channell	N Harbin	Y Lord	Reece, B	N Wilkinson
N Cheokas	N Hatfield	N Loudermilk	N Reece, S	N Willard
N Coan	N Heard, J	Y Lucas	N Reese	Y Williams, A
N Cole	Y Heard, K	N Lunsford	N Rice	Y Williams, E
N Coleman, B	Y Heckstall	N Maddox	N Roberts	N Williams, R
Coleman, T	N Hembree	Mangham	N Rogers	N Wix
N Cooper	Y Henson	N Manning	N Royal	N Yates
N Cox	N Hill, C	Marin	N Rynders	Richardson, Speaker

On the motion, the ayes were 42, nays 118.

The motion was lost.

Representative Holmes of the 61st moved that HB 1187 be placed upon the table.

On the motion, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	N Crawford	N Hill, C.A	N Martin	Y Sailor
N Amerson	N Cummings	Y Holmes	N Maxwell	N Scheid
E Anderson	N Davis	N Holt	N May	N Scott, A
Y Ashe	E Day	N Horne	N McCall	N Scott, M
N Barnard	Y Dean	N Houston	E McClinton	N Setzler

Y Barnes	N Dickson	Y Howard, E	N Meadows	N Shaw
N Bearden	N Dodson	N Hudson	E Millar	N Sheldon
Beasley-Teague	N Dollar	Y Hugley	N Mills	N Sims, C
Y Benfield	Y Drenner	Y Jackson	Y Mitchell	Sims, F
N Benton	Y Dukes	N Jacobs	Morgan	Y Sinkfield
N Black	N Ehrhart	Y James	N Morris	N Smith, B
Y Bordeaux	N England	Y Jamieson	Y Mosby	N Smith, L
N Borders	Y Epps	Y Jenkins	N Mosley	N Smith, P
N Bridges	N Everson	N Jennings	N Mumford	N Smith, R
Y Brooks	N Fleming	N Johnson	N Murphy, J	N Smith, T
N Brown	Floyd, H	N Jones, J	Y Murphy, Q	N Smith, V
Bruce	N Floyd, J	Y Jones, S	N Neal	Y Smyre
Y Bryant	Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	N Forster	N Keen	N O'Neal	N Stephens
Y Buckner, G	N Franklin	N Keown	E Orrock	Y Stephenson
N Burkhalter	N Freeman	Y Kidd	Parham	N Talton
N Burmeister	Y Gardner	N Knight	N Parrish	N Teilhet
N Burns	N Geisinger	N Knox	N Parsons	Y Thomas, A.M
N Butler	N Golick	N Lakly	Y Porter	Thomas, B
N Byrd	N Graves, D	N Lane, B	N Powell	N Tumlin
N Carter	N Graves, T	N Lane, R	N Ralston	N Walker
N Casas	N Greene	N Lewis	Y Randall	Y Warren
N Chambers	N Hanner	N Lindsey	N Ray	Y Watson
N Channell	N Harbin	N Lord	Y Reece, B	N Wilkinson
N Cheokas	N Hatfield	N Loudermilk	N Reece, S	N Willard
N Coan	N Heard, J	Y Lucas	N Reese	Y Williams, A
N Cole	Y Heard, K	N Lunsford	N Rice	Y Williams, E
N Coleman, B	Y Heckstall	N Maddox	N Roberts	N Williams, R
Coleman, T	N Hembree	Mangham	N Rogers	N Wix
N Cooper	Y Henson	N Manning	N Royal	N Yates
N Cox	N Hill, C	Marin	N Rynders	Richardson, Speaker

On the motion, the ayes were 45, nays 118.

The motion was lost.

The following Committee substitute was read and adopted:

A BILL

To amend Article 5 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to uniform property tax administration and equalization, so as to provide for an additional county classification for appraisal staff purposes; to change certain provisions regarding composition and duties of county appraisal staffs; to change certain provisions regarding designation and duties of chief appraisers; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 5 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to uniform property tax administration and equalization, is amended by striking Code Section 48-5-261, relating to classification of counties, and inserting in its place a new Code Section 48-5-261 to read as follows:

"48-5-261.

For the purpose of administering this part, the counties of this state are placed in the following classes:

- (1) Class I — Counties having less than 3,000 parcels of real property;
- (2) Class II — Counties having at least 3,000 but less than 8,000 parcels of real property;
- (3) Class III — Counties having at least 8,000 but less than 15,000 parcels of real property;
- (4) Class IV — Counties having at least 15,000 but less than 25,000 parcels of real property;
- (5) Class V — Counties having at least 25,000 but less than 35,000 parcels of real property;
- (6) Class VI — Counties having at least 35,000 but less than 50,000 parcels of real property;
- (7) Class VII — Counties having at least 50,000 but less than 100,000 parcels of real property; ~~and~~
- (8) Class VIII — Counties having at least 100,000 ~~or more~~ but less than 275,000 parcels of real property; and
- (9) Class IX — Counties having 275,000 or more parcels of real property."

SECTION 2.

Said article is further amended by striking Code Section 48-5-262, relating to composition and duties of county appraisal staffs, and inserting in its place a new Code Section 48-5-262 to read as follows:

"48-5-262.

(a) Class I counties shall provide for an appraisal staff pursuant to paragraph (1) of Code Section 48-5-260 by:

- (1) Employing a full-time appraiser;
- (2) Contracting with a contiguous county to provide the staff requirement; or
- (3) Contracting with a professional appraisal person to provide the staff requirement.

(b) Each county other than Class I counties shall employ a minimum staff of appraisers, to be known as the county property appraisal staff, to perform the duties set forth in this part. For compensation purposes, the appraisers will be designated, lowest grade first, as Appraiser I, Appraiser II, Appraiser III, and Appraiser IV.

(c) The minimum staff requirement for each county shall be as follows:

- (1) Class II counties — One Appraiser III;
- (2) Class III counties — One Appraiser III and one Appraiser I;
- (3) Class IV counties — One Appraiser III, one Appraiser II, and one Appraiser I;

- (4) Class V counties — Two Appraisers III, two Appraisers II, and one Appraiser I;
 - (5) Class VI counties — One Appraiser IV, two Appraisers III, two Appraisers II, and one Appraiser I;
 - (6) Class VII counties — One Appraiser IV, four Appraisers III, one Appraiser II, and two Appraisers I;
 - (7) Class VIII counties — Two Appraisers IV, eight Appraisers III, five Appraisers II, and five Appraisers I;
 - (8) Class IX counties — Two Appraisers IV, eight Appraisers III, five Appraisers II, and five Appraisers I.
- (d) The establishment of minimum staff requirements shall not preclude any county from employing additional appraisers in order to carry out this part.
- (e)(1) As used in this subsection, the term 'county civil service system' means any county civil service system, county merit system, county personnel plan or policy, or stated rules of work.
- (2)(A) The Except as otherwise provided in subparagraph (B) of this paragraph, the county governing authority shall be authorized, in its discretion and upon adoption of the appropriate resolution or ordinance, to provide that staff and employees of the county board of tax assessors shall be positions of employment covered by the county civil service system. Following the adoption of such ordinance or resolution, the county board of tax assessors may hire and manage such employees, but only in compliance with the county civil service system. The failure of the county board of tax assessors to comply with the requirements of such system shall be grounds for removal of one or more members of the county board of tax assessors pursuant to subsection (b) of Code Section 48-5-295.
- (B) The chief appraiser, appraisers, staff, and employees of the county board of tax assessors in Class IX counties shall be positions of employment covered by the county civil service system. The county manager may hire and manage the chief appraiser, appraisers, staff, and employees in compliance with the county civil service system. The failure of the county board of tax assessors to comply with the requirements of such system shall be grounds for removal of one or more members of the county board of tax assessors pursuant to subsection (b) of Code Section 48-5-295."

SECTION 3.

Said article is further amended by striking Code Section 48-5-264, relating to designation and duties of chief appraisers, and inserting in its place a new Code Section 48-5-264 to read as follows:

"48-5-264.

- (a) The Except as otherwise provided in subsection (b) of this Code section, the board of tax assessors in each county other than a Class IX county shall designate an Appraiser IV or, in those counties not having an Appraiser IV, an Appraiser III as the chief appraiser of the county.

(b) In each Class IX county, the chief appraiser shall be selected pursuant to subparagraph (e)(2)(B) of Code Section 48-5-262.

(c) The chief appraiser shall be responsible for:

- (1) The operation and functioning of the county property appraisal staff;
- (2) Certifying and signing documents prepared by the staff; and
- (3) Implementing procedures deemed necessary for the efficient operation of the staff.

~~(b)~~(d) The chief appraiser of any county other than a Class IX county may appoint an assistant and may delegate his such chief appraiser's authority in writing to the assistant.

~~(e)~~(e) The chief appraiser may be a member of the county board of tax assessors."

SECTION 4.

Said article is further amended by striking subsection (b) of Code Section 48-5-290, relating to creation of county boards of tax assessors, and inserting in its place a new subsection (b) to read as follows:

"(b) Except as otherwise provided in Code Section 48-5-309 ~~with respect to the election of board members~~, each county board of tax assessors shall consist of not less than three nor more than five members to be appointed by the county governing authority."

SECTION 5.

Said article is further amended by striking Code Section 48-5-309, relating to applicability of such article to certain boards of tax assessors, and inserting in its place new Code Sections 48-5-309 and 48-5-309.1 to read as follows:

"48-5-309.

(a) Nothing contained in Code Sections 48-5-291 through 48-5-300 and 48-5-302 through 48-5-308 regarding appointment, terms of office, vacancies, removals, qualifications, or compensation of members of county boards of tax assessors shall apply to any county which has elected to elect the members of its county board of tax assessors.

(b) Nothing contained in Code Sections 48-5-291 through 48-5-297, 48-5-299, 48-5-300, and 48-5-302 through 48-5-308 regarding appointment or terms of office of members of county boards of tax assessors shall apply to Class IX counties.

48-5-309.1

In each Class IX county, the members of the board of assessors shall be nominated by the chairperson of the county board of commissioners subject to approval by the county board of commissioners. The members shall be appointed for terms of office of four years. The members shall serve only for the duration of the four-year term and shall serve until their respective successors are appointed and qualified. No person shall be eligible to serve as a member of the board of assessors more than two terms of office."

SECTION 6.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 7.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

N Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	N Sailor
Y Amerson	Y Cummings	N Holmes	Y Maxwell	Y Scheid
E Anderson	Y Davis	Y Holt	Y May	Y Scott, A
N Ashe	E Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	N Dean	Y Houston	E McClinton	Y Setzler
N Barnes	Y Dickson	N Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
N Beasley-Teague	Y Dollar	N Hugley	Y Mills	Y Sims, C
N Benfield	N Drenner	N Jackson	N Mitchell	N Sims, F
Y Benton	N Dukes	Y Jacobs	Morgan	N Sinkfield
Y Black	Y Ehrhart	N James	Y Morris	Y Smith, B
N Bordeaux	Y England	N Jamieson	N Mosby	Y Smith, L
Y Borders	Y Epps	N Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
N Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	N Murphy, Q	Y Smith, V
Bruce	Y Floyd, J	N Jones, S	Y Neal	N Smyre
N Bryant	Fludd	N Jordan	Y Oliver	N Stanley-Turner
N Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
N Buckner, G	Y Franklin	Y Keown	E Orrock	N Stephenson
Y Burkhalter	Y Freeman	N Kidd	Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	N Thomas, A.M
Y Butler	Y Golick	Y Lakly	N Porter	N Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	N Randall	N Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	N Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	N Lucas	Y Reese	N Williams, A
Y Cole	N Heard, K	Y Lunsford	Y Rice	N Williams, E
Y Coleman, B	N Heckstall	Y Maddox	Y Roberts	Y Williams, R
Coleman, T	Y Hembree	Mangham	Y Rogers	Y Wix
Y Cooper	N Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 124, nays 44.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

HB 1257. By Representatives Knox of the 24th, Maxwell of the 17th, Meadows of the 5th and Watson of the 91st:

A BILL to be entitled an Act to amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to exempt certain change of address filings by agents, subagents, counselors, and adjusters from a fee; to provide for certain qualifications for a counselor's license; to provide for the maintenance by the Commissioner of Insurance of the address of the place of business of agents, subagents, counselors, and adjusters; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to exempt certain change of address filings by agents, subagents, counselors, and adjusters from a fee; to provide for certain qualifications for a counselor's license; to provide for the maintenance by the Commissioner of Insurance of the address of the place of business of agents, subagents, counselors, and adjusters; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 33 of the Official Code of Georgia Annotated, relating to insurance, is amended by striking subparagraph (AA) of paragraph (6) of Code Section 33-8-1, relating to fees and charges generally, and inserting in lieu thereof a new subparagraph (AA) to read as follows:

"(AA) Amendment of filings	25.00
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Provided, however, that the Commissioner, in his or her discretion, may exempt from such fee change of address filings done off line by agents, subagents, counselors, and adjusters.

<u>(AA.1) Change of address filings done on line by agents, subagents, counselors, and adjusters</u>	<u>No charge"</u>
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SECTION 2.

Said title is further amended by striking paragraph (6) of subsection (a) of Code Section 33-23-5, relating to qualifications and requirements for license, and inserting in lieu thereof a new paragraph (6) to read as follows:

"(6) If applying for a license as counselor, the applicant must show that he or she either has had five years' experience acting as either as an agent, subagent, or adjuster or in some other phase of the insurance business or has sufficient teaching or educational qualifications or experience which, in the opinion of the Commissioner, has qualified the applicant to act as such counselor; and the applicant shall pass such examination as shall be required by the Commissioner unless the applicant is exempted by the Commissioner, based on the applicant's experience and qualifications and pursuant to a regulation adopted by the Commissioner;".

SECTION 3.

Said title is further amended by striking Code Section 33-23-25, relating to place of business, and inserting a new Code Section 33-23-25 to read as follows:

"33-23-25.

Every licensed agent, subagent, counselor, and adjuster shall have and maintain in this state or, if a nonresident licensee, in the state of domicile, a place of business accessible to the public. The place of business shall be that wherein the licensee principally conducts transactions pursuant to the license. The address of the place of business shall ~~appear on all licenses of the resident licensee~~ be maintained by the Commissioner. All resident and nonresident licensees shall promptly notify the Commissioner in writing within 30 days of any change in the business address."

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Y Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
E Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	E Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	E McClinton	Y Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
Y Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Y Drenner	Y Jackson	Y Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Morgan	Y Sinkfield

Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
Y Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	E Orrock	Y Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Y Cooper	Y Henson	Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 167, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

HB 1308. By Representative Brown of the 69th:

A BILL to be entitled an Act to amend Chapter 8 of Title 31 of the Official Code of Georgia, relating to the care and protection of indigent and elderly patients, so as to change certain provisions relating to the maximum amount of aggregate nursing home provider fees which must be paid; to change certain provisions relating to the assessment, calculation, and payment of quality assessment fees on care management organizations; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following amendment was read and adopted:

Representative Brown of the 69th moves to *amend HB 1308 by inserting after "assessed pursuant to" on line 17 of page 1 the following:*

the percentage limitation of the first prong of the test for an indirect guarantee set out in

The report of the Committee, which was favorable to the passage of the Bill, was agreed to, as amended.

On the passage of the Bill, as amended, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
E Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	E Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	E McClinton	Y Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
Y Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Y Drenner	Y Jackson	Y Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Morgan	Y Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
Y Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	E Orrock	Y Stephenson
Y Burkhalter	Freeman	Y Kidd	Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	E Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Y Lucas	Y Reese	Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Mangham	Y Rogers	Y Wix
Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, as amended, the ayes were 163, nays 0.

The Bill, having received the requisite constitutional majority, was passed, as amended.

HB 847. By Representatives Butler of the 18th, Oliver of the 83rd and Smith of the 70th:

A BILL to be entitled an Act to amend Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to juvenile proceedings, so as to establish the conditions for minors to become emancipated by law; to provide for definitions; to provide for the rights and duties of parents; to provide for court proceedings for emancipation; to provide for powers of the court relative to an emancipation proceeding; to provide for rescission and the effect of rescission on obligations, rights, or interests; to provide for the rights and responsibilities of an emancipated minor; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to juvenile proceedings, so as to establish the conditions for minors to become emancipated by law; to provide for definitions; to provide for the rights and duties of parents, and guardians; to provide for court proceedings for emancipation; to provide for powers of the court relative to an emancipation proceeding; to provide for rescission and the effect of rescission on obligations, rights, or interests; to provide for the rights and responsibilities of an emancipated minor; to amend Titles 1, 13, 19, and 44, relating respectively to general provisions, contracts, domestic relations, and property, so as to correct cross-references; to change certain provisions relating to rights of minors; to change certain provisions relating to minors' contracts for property or valuable consideration or necessities; to change certain provisions relating to in whom parental power lies; to change certain provisions relating to parents' obligation to child born out of wedlock; to change certain provisions relating to abandonment of a dependent child; to change certain provisions relating to voidance and ratification of conveyance to or by an infant; to change certain provisions relating to reversion of property set apart for spouse, children, or dependents; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to juvenile proceedings, is amended by adding a new article to the end of the chapter, to read as follows:

"ARTICLE 6

15-11-200.

As used in this article, the term:

- (1) 'Emancipation' means termination of the rights of the parents to the custody, control, services, and earnings of a minor.
- (2) 'Minor' means a person under the age of 18 years.
- (3) 'Parents' has the same meaning as set forth in Code Section 15-11-2.

15-11-201.

(a) Emancipation may occur by operation of law or pursuant to a petition filed by a minor with the juvenile court as provided in this article.

(b) An emancipation occurs by operation of law:

- (1) When a minor is validly married;
- (2) When a person reaches the age of 18 years; or
- (3) During the period when the minor is on active duty with the armed forces of the United States.

(c) An emancipation occurs by court order pursuant to a petition filed by a minor with the juvenile court as provided in Code Sections 15-11-202 through 15-11-207.

15-11-202.

A minor seeking emancipation shall file a petition for emancipation in the juvenile court in the county where the minor resides. The petition shall be signed and verified by the minor, and shall include:

- (1) The minor's full name and birth date, and the county and state where the minor was born;
- (2) A certified copy of the minor's birth certificate;
- (3) The name and last known address of the minor's parents or guardian, and if no parent or guardian can be found, the name and address of the minor's nearest living relative residing within this state;
- (4) The minor's present address and length of residency at that address;
- (5) A declaration by the minor indicating that he or she has demonstrated the ability to manage his or her financial affairs; the minor may include any information he or she considers necessary to support the declaration;
- (6) A declaration by the minor indicating that he or she has the ability to manage his or her personal and social affairs; the minor may include any information he or she considers necessary to support the declaration; and
- (7) The names of adults who have personal knowledge of the minor's circumstances and believe that under those circumstances emancipation is in the best interest of the minor. Such individuals may include any of the following:
 - (A) Physician or osteopath licensed pursuant to Chapter 34 of Title 43;
 - (B) Registered professional nurse or licensed practical nurse licensed pursuant to Chapter 26 of Title 43;

- (C) Psychologist licensed pursuant to Chapter 39 of Title 43;
- (D) Professional counselor, social worker, or marriage and family therapist licensed pursuant to Chapter 10A of Title 43;
- (E) School guidance counselor, school social worker, or school psychologist;
- (F) School administrator, school principal, or school teacher;
- (G) Member of the clergy;
- (H) Law enforcement officer; or
- (I) Attorney.

15-11-203.

- (a) Upon filing the petition, a copy of the petition for emancipation and a summons to appear at the hearing shall be served on the minor's parents or guardian, if applicable, upon any individual who provided an affidavit as set forth in paragraph (7) of Code Section 15-11-202, and any other individual named in the petition.
- (b) Any individual served with the petition for emancipation may file an answer to such petition in the juvenile court within 30 days of being served.

15-11-204.

- (a) After a petition for emancipation is filed, the court may:
 - (1) Assign an employee of the court or appoint a guardian ad litem to investigate the allegations of the petition and to file a report containing the results of the investigation with the court, including a recommendation as to whether it is in the best interest of the minor that the petition for emancipation be granted;
 - (2) Appoint an attorney for the minor; and
 - (3) Appoint an attorney for the minor's parents or guardian if they are indigent and if they oppose the petition.
- (b) After a petition for emancipation is filed, the court shall seek an affidavit from each individual identified in the petition pursuant to paragraph (7) of Code Section 15-11-202 which describes why the individual believes the minor should be emancipated.

15-11-205.

- (a) The hearing shall be before a judge; and the court shall issue an emancipation order if it determines that emancipation is in the best interest of the minor and the minor establishes:
 - (1) That the minor's parent or guardian does not object to the petition; or if a parent or guardian objects to the petition, that the best interest of the child is served by allowing the emancipation to occur by court order;
 - (2) That the minor is a resident of this state;
 - (3) That the minor has demonstrated the ability to manage his or her financial affairs, including proof of employment or other means of support; 'other means of support' does not include general assistance or aid received from means-tested public assistance programs such as Temporary Assistance for Needy Families or similar programs under Title IV-A of the federal Social Security Act;

- (4) That the minor has the ability to manage his or her personal and social affairs, including, but not limited to, proof of housing; and
- (5) That the minor understands his or her rights and responsibilities under this article as an emancipated minor.
- (b) A minor who petitions the court for emancipation shall have the burden of showing by a preponderance of evidence that emancipation should be ordered.
- (c) If the court issues an emancipation order, the court shall retain a copy of the order until the emancipated minor becomes 25 years of age.
- (d) An emancipation obtained by fraud is voidable. Voiding an emancipation order does not affect an obligation, responsibility, right, or interest that arose during the period of time the order was in effect.
- (e) The minor or a parent or guardian of the minor may appeal the court's grant or denial of an emancipation petition. The appeal shall be filed in the Court of Appeals.

15-11-206.

- (a) A minor emancipated by court order may petition the juvenile court that issued the emancipation order to rescind such order.
- (b) A copy of the petition for rescission and a summons shall be served on the minor's parents or guardian.
- (c) The court shall grant the petition and rescind the order of emancipation if it finds:
 - (1) That the minor is indigent and has no means of support;
 - (2) That the minor and the minor's parents or guardian agrees that the order should be rescinded; or
 - (3) That there is a resumption of family relations inconsistent with the existing emancipation order.
- (d) If a petition for rescission is granted, the court shall issue an order rescinding the emancipation order and retain a copy of the order until the minor becomes 25 years of age.
- (e) Rescission of an emancipation order does not alter any contractual obligations or rights or any property rights or interests that arose during the period of time that the emancipation order was in effect.
- (f) The minor or a parent or guardian of the minor may appeal the court's grant or denial of a petition for rescission of an emancipation order. The appeal shall be filed in the Court of Appeals.

15-11-207.

- (a) A minor emancipated by operation of law or by court order shall be considered to have the rights and responsibilities of an adult, except for those specific constitutional and statutory age requirements regarding voting, use of alcoholic beverages, and other health and safety regulations relevant to the minor because of his or her age. The rights of a minor to receive any transfer of property or money pursuant to 'The Georgia Transfers to Minors Act' under Article 5 of Chapter 5 of Title 44; under the Uniform Transfers to Minors Act, the Uniform Gift to Minors Act, or other substantially similar

act of another state; or pursuant to a trust agreement shall not be affected by a declaration of an emancipation under this article.

(b) A minor shall be considered emancipated for the purposes of, but not limited to:

- (1) The right to enter into enforceable contracts, including apartment leases;
- (2) The right to sue or be sued in his or her own name;
- (3) The right to retain his or her own earnings;
- (4) The right to establish a separate domicile;
- (5) The right to act autonomously, and with the rights and responsibilities of an adult, in all business relationships, including, but not limited to, property transactions and obtaining accounts for utilities, except for those estate or property matters that the court determines may require a conservator or guardian ad litem;
- (6) The right to earn a living, subject only to the health and safety regulations designed to protect those under the age of 18 regardless of their legal status;
- (7) The right to authorize his or her own preventive health care, medical care, dental care, and mental health care, without parental knowledge or liability;
- (8) The right to apply for a driver's license or other state licenses for which he or she might be eligible;
- (9) The right to register for school;
- (10) The right to apply for medical assistance programs and for other welfare assistance, if needed;
- (11) The right, if a parent, to make decisions and give authority in caring for his or her own minor child; and
- (12) The right to make a will.

(c) The parents or guardian of a minor emancipated by court order are not liable for any debts incurred by the minor during the period of emancipation.

15-11-208.

(a) The duty to provide support for a minor child shall continue until an emancipation order is granted.

(b) A child emancipated under this article shall not be considered a 'deprived child' for purposes of Part 6 of Article 1 of this chapter.

(c) The provisions set forth in Code Section 19-3-2 regarding age limitations to contract for marriage shall apply to a minor who has become emancipated under this article."

SECTION 2.

Title 1 of the Official Code of Georgia Annotated, relating to general provisions, is amended by striking Code Section 1-2-8, relating to rights of minors, and inserting in lieu thereof the following:

"1-2-8.

The law prescribes certain ages at which persons shall be considered of sufficient maturity to discharge certain civil functions, to make contracts, and to dispose of property. Prior to those ages they are minors and are, on account of that disability,

unable to exercise these rights as citizens unless such minor becomes emancipated by operation of law or pursuant to Article 6 of Chapter 11 of Title 15."

SECTION 3.

Title 13 of the Official Code of Georgia Annotated, relating to contracts, is amended by striking Code Section 13-3-20, relating to minors' contracts for property or valuable consideration or necessities, and inserting in lieu thereof the following:

"13-3-20.

(a) Generally the contract of a minor is voidable. If in a contractual transaction a minor receives property or other valuable consideration and, after arrival at the age of ~~majority~~ 18, retains possession of such property or continues to enjoy the benefit of such other valuable consideration, ~~he~~ the minor shall have thereby ratified or affirmed the contract and it shall be binding on him or her. Such contractual transaction shall also be binding upon any minor who becomes emancipated by operation of law or pursuant to Article 6 of Chapter 11 of Title 15.

(b) The contract of a minor for necessities shall be binding on ~~him as if he were of legal majority~~ the minor as if the minor were 18 years of age except that the party furnishing them to ~~him~~ the minor shall prove that the parent or guardian of such minor had failed or refused to supply sufficient necessities for ~~him~~ the minor, that the minor was emancipated by operation of law, or the minor was emancipated pursuant to Article 6 of Chapter 11 of Title 15."

SECTION 4.

Title 19 of the Official Code of Georgia Annotated, relating to domestic relations, is amended by striking subsection (a) of Code Section 19-7-1, relating to in whom parental power lies, and inserting in lieu thereof the following:

"(a) Until ~~he~~ a child reaches the age of ~~majority~~ 18 or becomes emancipated, the child shall remain under the control of his or her parents, who are entitled to ~~his~~ the child's services and the proceeds of ~~his~~ the child's labor. In the event that a court has awarded custody of the child to one parent, only the parent who has custody of the child is entitled to ~~his~~ the child's services and the proceeds of ~~his~~ the child's labor."

SECTION 5.

Said title is further amended by striking Code Section 19-7-24, relating to parents' obligation to child born out of wedlock, and inserting in lieu thereof the following:

"19-7-24.

It is the joint and several duty of each parent of a child born out of wedlock to provide for the maintenance, protection, and education of the child until ~~he~~ the child reaches the age of ~~majority~~ 18 or becomes emancipated, except to the extent that the duty of one parent is otherwise or further defined by court order."

SECTION 6.

Said title is further amended by striking paragraph (2) of subsection (j) of Code Section

19-10-1, relating to abandonment of a dependent child, and inserting in lieu thereof the following:

"(2) Service of any sentence suspended in abandonment cases may be ordered by the court having jurisdiction thereof at any time before the child or children reach the age of ~~majority~~ 18 or become emancipated, after a hearing as provided in paragraph (1) of this subsection and a finding by the court that the defendant has failed or refused to comply with the terms and conditions upon which service of the sentence was suspended by the court having jurisdiction thereof."

SECTION 7.

Title 44 of the Official Code of Georgia Annotated, relating to property, is amended by striking Code Section 44-5-41, relating to voidance and ratification of conveyance to or by an infant, and inserting in lieu thereof the following:

"44-5-41.

A deed, security deed, bill of sale to secure debt, or any other conveyance of property or interest in property to or by a minor is voidable unless such minor has become emancipated by operation of law or pursuant to Article 6 of Chapter 11 of Title 15. If a minor has conveyed property or an interest in property, ~~he~~ the minor may void the conveyance upon arrival at the age of ~~majority~~ 18; and, if ~~he~~ the minor makes another conveyance at that time, it will void the first conveyance without reentry or repossession. If property or an interest in property has been conveyed to a minor and, after arrival at the age of ~~majority~~ 18, ~~he~~ the minor retains the possession or benefit of the property or interest in property, ~~he~~ the minor shall have thereby ratified or affirmed the conveyance."

SECTION 8.

Said title is further amended by striking Code Section 44-13-20, relating to reversion of property set apart for spouse, children, or dependents, and inserting in lieu thereof the following:

"44-13-20.

Property set apart pursuant to Code Section 44-13-2 for a spouse, for a spouse and minor children, for minor children alone, or for dependents of a debtor (1) upon the death of the spouse or the spouse's remarriage, when set apart to the spouse alone, (2) upon the attaining of the age of ~~majority~~ 18 by the minor children or their ~~marriage~~ emancipation during minority, when set apart for the minor children, (3) upon the death or remarriage of the spouse and the attaining of the age of ~~majority~~ 18 by the minor children or the ~~marriage~~ emancipation of the minor children, when set apart to the spouse and minor children, and (4) upon a former dependent person's no longer being eligible to be claimed by the debtor as a dependent for income tax purposes pursuant to Code Section 48-7-26, shall revert to the estate from which it was set apart unless it was sold or reinvested pursuant to this article, in which case this Code section shall apply to and follow all the reinvestments unless the fee simple has been sold as provided in this article."

SECTION 9.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Sailor
Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
E Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Ashe	E Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	E McClinton	Y Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
Y Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Benfield	Y Drenner	Y Jackson	Y Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Morgan	Y Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
Y Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Smyre
Y Bryant	Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	E Orrock	Y Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Y Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 163, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

Due to a mechanical malfunction, the vote of Representative Smyre of the 132nd was not recorded on the preceding roll call. He wished to be recorded as voting "aye" thereon.

HB 1014. By Representatives Tumlin of the 38th, Ehrhart of the 36th, Jones of the 44th, Golick of the 34th, Manning of the 32nd and others:

A BILL to be entitled an Act to amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use tax, so as to extend the automatic repeal date for an exemption for overhead materials of a government contractor; to delete obsolete language; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use tax, so as to extend the automatic repeal date for an exemption for overhead materials of a government contractor; to delete obsolete language; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use tax, is amended by striking paragraph (58) in its entirety and inserting in lieu thereof the following:

"(58)(A) Notwithstanding any provisions of this chapter to the contrary, sales to or use by a government contractor of overhead materials in performance of a contract with the United States government to which title passes immediately to the government under the terms of the contract.

(B) As used in this paragraph, the term:

(i) 'Government contractor' means a person who enters into a contract with the United States Department of Defense or the National Aeronautics and Space Administration to sell services or tangible personal property, or both, for the purpose of the national defense.

(ii) 'Overhead materials' means any tangible personal property used or consumed in the performance of a contract between the United States Department of Defense or the National Aeronautics and Space Administration and a government contractor, the cost of which is charged to an expense account and allocated to various United States government contracts based upon generally accepted accounting principles, and consistent with government contract accounting

standards. The term ~~overhead materials~~ does not include tangible personal property which is incorporated into real property construction.

(C) ~~The exemption provided for in this paragraph shall be applicable to all calendar years beginning on or after January 1, 1997, as follows:~~

~~(i) At the rate of 25 percent of the total sale or use as provided in subparagraph (A) for the calendar year beginning January 1, 1997;~~

~~(ii) At the rate of 50 percent of the total sale or use as provided in subparagraph (A) for the calendar year beginning January 1, 1998;~~

~~(iii) At the rate of 75 percent of the total sale or use as provided in subparagraph (A) for the calendar year beginning January 1, 1999; and~~

~~(iv) At the rate of 100 percent of the total sale or use as provided in subparagraph (A) for the calendar year beginning January 1, 2000, and for each calendar year thereafter.~~

~~(D)~~ This paragraph shall stand repealed on January 1, ~~2007~~ 2009."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
E Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	E Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	E McClinton	Y Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
Y Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Benfield	Y Drenner	Y Jackson	Y Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Morgan	Y Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
Y Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	E Orrock	Y Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin

Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Rogers	Y Wix
Cooper	Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 164, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

HB 1105. By Representatives Dodson of the 75th, Tumlin of the 38th, Manning of the 32nd and Stephens of the 164th:

A BILL to be entitled an Act to amend Chapter 14 of Title 43 of the Official Code of Georgia Annotated, relating to electrical contractors, plumbers, conditioned air contractors, low-voltage contractors, and utility contractors, so as to provide for the documentation of full-time engagement in the performance of a contracting business; to provide a fine and penalties for the unauthorized use of a license number of a conditioned air contractor; to provide for the issuance of certificates of authorization; to provide that a contract of an unlicensed contractor is unenforceable; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend Chapter 14 of Title 43 of the Official Code of Georgia Annotated, relating to electrical contractors, plumbers, conditioned air contractors, low-voltage contractors, and utility contractors, so as to provide for the documentation of full-time engagement in the performance of a conditioned air contracting business; to provide a fine and penalties for the unauthorized use of a license number of a conditioned air contractor; to provide that a contract of an unlicensed conditioned air contractor is unenforceable; to provide for renewal of certificates; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 14 of Title 43 of the Official Code of Georgia Annotated, relating to electrical contractors, plumbers, conditioned air contractors, low-voltage contractors, and utility contractors, is amended by striking subsection (h) of Code Section 43-14-8, relating to licensing required for electrical, plumbing, or conditioned air contracting, and inserting a new subsection (h) to read as follows:

"(h) No partnership, limited liability company, or corporation shall have the right to engage in the business of conditioned air contracting unless there is regularly connected with such partnership, limited liability company, or corporation a person or persons actually engaged in the performance of such business on a full-time basis who have valid licenses issued to them as provided for in this chapter; provided, however, that partners, officers, and employees of the individual who fulfilled the licensing requirements shall continue to be authorized to engage in the business of conditioned air contracting under a license which was valid at the time of the licensee's death for a period of ~~90~~ 180 days following the date of such death. The board shall have the authority to require such documentation as is necessary to determine whether any person engaged in the business of conditioned air contracting is in fact engaged in the performance of such business on a full-time basis."

SECTION 2.

Said chapter is further amended by striking subsection (e) of Code Section 43-14-12.1, relating to evidence of violation of licensing requirements, and inserting in lieu thereof new subsections (e) and (f) to read as follows:

"(e) In the event that any person misappropriates and uses the license number of a licensed conditioned air contractor in any manner in which he or she is not so authorized, including, but not limited to, obtaining a construction or building permit, the board shall be authorized to impose a civil penalty not to exceed \$1,000.00 for each occurrence thereof. Furthermore, such person may be prohibited from obtaining a conditioned air license for a period of five years from the date of the last violation in the event that he or she makes application to the board for such license.

(f) Nothing in this Code section shall be construed to prohibit the board from seeking remedies otherwise available by statute without first seeking a cease and desist order in accordance with the provisions of this Code section."

SECTION 3.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
E Anderson	Davis	Y Holt	Y May	Y Scott, A
Y Ashe	E Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	E McClinton	Y Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
Y Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Benfield	Y Drenner	Y Jackson	Y Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Morgan	Y Sinkfield
Y Black	Y Ehrhart	Y James	Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
Y Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	E Orrock	Y Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	E Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Harbin	Y Lord	Y Reece, B	E Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 159, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

Representative Abdul-Salaam of the 74th stated that she had been called from the floor of the House during the preceding roll call. She wished to be recorded as voting "aye" thereon.

HB 1253. By Representatives Rice of the 51st, Murphy of the 23rd, Talton of the 145th and Dollar of the 45th:

A BILL to be entitled an Act to amend Chapter 5 of Title 40 of the O.C.G.A., relating to drivers' licenses, so as to provide for reinstatement of a minor's license upon proof of graduation from high school; to provide that social security numbers shall not be used on driver's licenses; to provide for a suspension for violation of restrictions on a driver's license; to add a license suspension for failure to appear in a federal court in this state; to clarify the habitual violator permit eligibility provisions; to provide for confidentiality of medical reports used for medical revocation of a driver's license; to change the times relating to restoring full driving privileges from a limited driving permit; to clarify that trafficking is grounds for a driver's license suspension; to amend Chapter 6 of Title 40 of the O.C.G.A., relating to the uniform rules of the road, so as to clarify the penalty for racing on a highway; to provide for related matters; to repeal conflicting laws; to provide for an effective date; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses, so as to provide for reinstatement of a minor's license upon proof of graduation from high school; to provide that social security numbers shall not be used on driver's licenses; to provide for a suspension for violation of restrictions on a driver's license; to add a license suspension for failure to appear in a federal court in this state; to clarify the habitual violator permit eligibility provisions; to provide for confidentiality of medical reports used for medical revocation of a driver's license; to provide that each violation of a provision that leads to a license suspension is treated as a separate transaction; to change the times relating to restoring full driving privileges from a limited driving permit; to clarify that trafficking is grounds for a driver's license suspension; to provide a penalty for driving a vehicle in violation of an out of service order; to provide that applicants for commercial driver's licenses must take the Highway Watch safety and security program; to allow for issuance of nonresident commercial driver's licenses; to clarify the requirements for commercial driver's licenses with a hazardous materials endorsement; to amend Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to the uniform rules of the road, so as to clarify the penalty for racing on a highway; to provide that a speeding conviction must specify the amount by which the speed limit was exceeded; to provide for related matters; to repeal conflicting laws; to provide for an effective date; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses, is amended by striking the undesignated text following division (a.1)(2)(C)(v) of Code Section 40-5-22, relating to minimum age for licensees, school attendance requirements, and driving training requirements, in its entirety and inserting in its place the following:

"Notice given by certified mail or statutory overnight delivery with return receipt requested mailed to the person's last known address shall be prima-facie evidence that such person received the required notice. Such notice shall include instructions to the minor to return immediately the instruction permit or driver's license to the department and information summarizing the minor's right to request an exemption from the provisions of this subsection. The minor so notified may request in writing a hearing within ten business days from the date of receipt of notice. Within 30 days after receiving a written request for a hearing, the department shall hold a hearing as provided for in Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' After such hearing, the department shall sustain its order of suspension or rescind such order. The department shall be authorized to grant an exemption from the provisions of this subsection to a minor, upon such minor's petition, if there is clear and convincing evidence that the enforcement of the provisions of this subsection upon such minor would create an undue hardship upon the minor or the minor's family or if there is clear and convincing evidence that the enforcement of the provisions of this subsection would act as a detriment to the health or welfare of the minor. Appeal from such hearing shall be in accordance with said chapter. If no hearing is requested within the ten business days specified above, the right to a hearing shall have been waived and the instruction permit or driver's license of the minor shall remain suspended. The suspension provided for in this paragraph shall be for a period of one year or shall end upon the date of such minor's eighteenth birthday or upon receipt of satisfactory proof that the minor is pursuing or has received a general educational development (GED) diploma, a high school diploma, a special diploma, a certificate of high school completion, or has terminated his or her secondary education and is enrolled in a postsecondary school, whichever comes first."

SECTION 2.

Said chapter is further amended by striking Code Section 40-5-28.1, relating to use of social security numbers on drivers' licenses, in its entirety and inserting in its place the following:

"40-5-28.1.

No license or permit issued or renewed on or after July 1, ~~1997~~ 2006, pursuant to this article shall contain the social security number of the licensee or permit holder ~~unless such person specifically requests the use of such number.~~"

SECTION 3.

Said chapter is further amended by striking subsection (c) of Code Section 40-5-30, relating to restricted driver's licenses, in its entirety and inserting in its place the following:

"(c) The department, upon receiving satisfactory evidence of any violation of the restrictions of such license, may ~~revoke~~ suspend the license, ~~but the licensee shall be entitled to a hearing as upon a revocation under subsection (c) of Code Section 40-5-59 for a period of six months.~~ No person shall operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to him or her."

SECTION 4.

Said chapter is further amended by striking Code Section 40-5-56, relating to driver's license suspensions for failure to respond to a citation and appear before a court of competent jurisdiction, in its entirety and inserting in its place the following:

"40-5-56.

(a) Notwithstanding any other provisions of this chapter or any other law to the contrary, the department shall suspend the driver's license or privilege to operate a motor vehicle in this state of any person who has failed to respond to a citation to appear before a court of competent jurisdiction ~~of in~~ this state or ~~of in~~ any other state for a traffic violation other than a parking violation. ~~The department shall forthwith notify such person that his license is to be suspended subject to review as provided for in this chapter.~~

(b) ~~The person so notified may request a hearing within ten days from the date of receipt of notice sent by registered mail or statutory overnight delivery. Within 30 days after receiving a written request for a hearing, the department shall hold a hearing as provided for in Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' After such hearing, the department shall sustain its order of suspension or rescind such order. If no hearing is requested within the ten days specified above, the right to a hearing shall have been waived and the license of the driver shall be suspended.~~

(c) The suspension provided for in this Code section shall be for an indefinite period until such person shall respond and pay any fines and penalties imposed. Such person's license shall be reinstated if the person submits proof of payment of the fine from the court of jurisdiction and pays a restoration fee of \$35.00 or \$25.00 when such reinstatement is processed by mail to the department. Such suspension shall be in addition to any other suspension or revocation provided for in this chapter."

SECTION 5.

Said chapter is further amended by striking subparagraph (e)(1)(A) of Code Section 40-5-58, relating to habitual violators and probationary licenses, in its entirety and inserting in its place the following:

"(A) Such person has not been convicted, or pleaded nolo contendere to a charge, of violating any provision of this chapter, Chapter 6 of this title, or any local ordinance relating to the movement of vehicles for a period of two years immediately preceding the application for a probationary driver's license;".

SECTION 6.

Said chapter is further amended by enacting a new subsection (d) in Code Section 40-5-59, relating to reexamination of drivers believed to be incompetent or unqualified, to read as follows:

"(d) The reports required by this Code section shall be confidential and shall be used solely for the purpose of determining the qualifications of any person to drive a motor vehicle on the highways of this state. No civil or criminal action may be brought against any person or agency for providing the information to the department for the purposes of this Code section. The reports, or any reference to the reports, shall not be included in any abstract prepared pursuant to Code Section 40-5-2."

SECTION 7.

Said chapter is further amended by striking the introductory language of subsection (a) and subsection (d) of Code Section 40-5-63, relating to driver's license suspensions for certain offenses, in their entirety and inserting in their place, respectively, the following:

"(a) The driver's license of any person convicted of an offense listed in Code Section 40-5-54 or of violating Code Section 40-6-391, unless the driver's license has been previously suspended pursuant to Code Sections 40-5-67.1 and 40-5-67.2, shall by operation of law be suspended and such suspension shall be subject to the following terms and conditions; provided, however, that any person convicted of a drug related offense pursuant to Code Section 40-6-391 shall be governed by the suspension requirements of Code Section 40-5-75; and further provided that each charge for which a conviction was obtained shall be treated as a separate transaction for the purpose of imposing a license suspension hereunder, even if said convictions arise from a single incident."

"(d)(1) Any person convicted of violating subsection (a) of Code Section 40-6-393, relating to homicide by vehicle, or Code Section 40-6-394, relating to serious injury by vehicle, shall have his or her license suspended for a period of three years. Such person shall not be eligible for early reinstatement of said driver's license as provided in this Code section or in Article 4 of this chapter and shall not be eligible for a limited driving permit as provided in Code Section 40-5-64.

(2) For purposes of this subsection chapter, an accepted plea of nolo contendere to homicide by vehicle in the first degree or serious injury by vehicle any violation of Code Section 40-6-393 or 40-6-394 shall constitute a conviction."

SECTION 8.

Said chapter is further amended by striking subsection (e) of Code Section 40-5-64, relating to limited driving permits for certain offenders, in its entirety and inserting in its place the following:

"(e) *Duration of permit.* A permit issued pursuant to this Code section shall be \$25.00 and shall be nonrenewable and shall become invalid upon the driver's eighteenth birthday in the case of a suspension under paragraph (2) of subsection (a.1) of Code Section 40-5-22, upon the expiration of one year following ~~the effective date of~~

~~suspension of the applicant's driver's license issuance thereof~~ in the case of a suspension for an offense listed in Code Section 40-5-54 or a suspension under Code Section 40-5-57, ~~upon the expiration of 120 days following conviction in the case of~~ or a suspension in accordance with paragraph (1) of subsection (a) of Code Section 40-5-63 for a violation of Code Section 40-6-391, upon the expiration of 30 days in the case of an administrative license suspension in accordance with paragraph (1) of subsection (a) of Code Section 40-5-67.2, or upon the expiration of six months following proof of installation of an ignition interlock device in the case of a limited driving permit issued to a person subject to a court order for installation and use of such a device pursuant to Article 7 of Chapter 8 of Title 42; except that such limited driving permit shall expire upon any earlier reinstatement of the driver's license. A person may apply to the department for a limited driving permit immediately following such conviction if he or she has surrendered his or her driver's license to the court in which the conviction was adjudged or to the department if the department has processed the citation or conviction. Upon the applicant's execution of an affidavit attesting to such facts and to the fact that the court had not imposed a suspension or revocation of his or her driver's license or driving privileges inconsistent with the driving privileges to be conferred by the limited driving permit applied for, the department may issue such person a limited driving permit."

SECTION 9.

Said chapter is further amended by striking the introductory language of subsection (a) of Code Section 40-5-75, relating to suspension of driver's licenses by operation of law, in its entirety and inserting in its place the following:

"(a) The driver's license of any person convicted of any violation of the Georgia Controlled Substances Act, including, but not limited to, possession, distribution, manufacture, cultivation, sale, transfer of, trafficking in, the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell, or transfer or traffic in a controlled substance or marijuana, ~~or driving or being in actual physical control of any moving vehicle while under the influence of such a substance in violation of subsection (b) of Code Section 16-13-2, subsection (a), (b), or (j) of Code Section 16-13-30, or Code Section 16-13-33; paragraph (2), (4), or (6) of subsection (a) of Code Section 40-6-391;~~ or the law of any other jurisdiction shall by operation of law be suspended and such suspension shall be subject to the following terms and conditions: provided that each charge for which a conviction was obtained shall be treated as a separate transaction for the purpose of imposing a license suspension hereunder, even if said convictions arise from a single incident:".

SECTION 10.

Said chapter is further amended by striking subsection (b) of Code Section 40-5-121, relating to driving while license is suspended or revoked, in its entirety and inserting in its place the following:

~~"(b)(1) The charge of driving with a suspended or disqualified license shall not be made where the suspension is a result of a failure to respond under Code Section 40-5-56 or an insurance cancellation unless the arresting officer has verified a service date and such date is placed on the uniform citation. If the suspension or disqualification is verified and the driver possesses a driver's license, the license shall be confiscated and mailed to the department. If the suspension or disqualification is not verified, the arresting officer shall serve the driver and attach the driver's license, if available, to the copy of service and send it to the department.~~

(2) The department, upon receiving a record of the conviction of any person under this Code section upon a charge of driving a vehicle while the license of such person was suspended, disqualified, or revoked, including suspensions under subsection (f) of Code Section 40-5-75, shall extend the period of suspension or disqualification for six months. The court shall be required to confiscate the license, if applicable, and attach it to the uniform citation and forward it to the department within ten days of conviction. The period of suspension or disqualification provided for in this Code section shall begin on the date the person is convicted of violating this Code section."

SECTION 11.

Said chapter is further amended by striking subparagraph (C) of paragraph (7) and the undesignated text following said subparagraph (C) and paragraphs (9) and (22) of Code Section 40-5-142, relating to definitions relevant to commercial driver's licenses, in their entirety and inserting in their respective places the following:

"(C) If the vehicle is transporting hazardous materials and is required to be placarded in accordance with the Motor Carrier Safety Rules prescribed by the United States Department of Transportation, Title 49 C.F.R. Part 172, subpart F; provided, however, that for the purposes of this article, no agricultural vehicle, ~~military vehicle operated by military personnel~~ commercial vehicle operated by military personnel for military purposes, recreational vehicle, or fire-fighting or emergency equipment vehicle shall be considered a commercial vehicle. As used in this paragraph, the term 'agricultural vehicle' means a farm vehicle which is controlled and operated by a farmer; used to transport agricultural products, farm machinery, or farm supplies to or from a farm; and operated within 150 miles of such person's farm; which vehicle is not used in the operations of a motor carrier. Any other waiver by the Federal Highway Administration pursuant to Federal Law 49 C.F.R. Parts 383, 391, RIN 2125-AB 68, of the United States Department of Transportation shall supersede state law in authorizing the Department of Driver Services to exempt said classes."

"(9) 'Conviction' means ~~a~~ an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, ~~a finding of guilt, or~~ the payment of a fine or court

cost, or violation of a condition of release without bail, regardless of whether the penalty is rebated, suspended, or probated."

"(22) 'Serious traffic violation' means conviction of any of the following offenses when operating a commercial motor vehicle or a non-commercial motor vehicle:

- (A) Speeding 15 or more miles per hour above the posted speed limit;
- (B) Reckless driving, as defined under state or local law;
- (C) Following another vehicle too closely, as defined under state or local law;
- (D) Improper or erratic lane change which presents a risk to any other vehicle, but not including failure to signal a lane change;
- (E) A violation, arising in connection with a fatal crash, of state law or a local ordinance, relating to motor vehicle traffic control, excluding parking, weight, length, height, and vehicle defect violations;
- (F) A railroad grade crossing violation as defined under state law or local ordinance;
- (G) Driving a commercial motor vehicle without obtaining a commercial driver's license;
- (H) Driving a commercial motor vehicle without a valid commercial driver's license in the driver's immediate possession; or
- (I) Driving a commercial motor vehicle without a commercial driver's license of the proper class and/or endorsements for the specific vehicle being operated or for the passengers or type of cargo transported."

SECTION 12.

Said chapter is further amended by striking subsection (b) of Code Section 40-5-146, relating to operation of a commercial motor vehicle without valid license or driving privilege, in its entirety and inserting in its place the following:

"(b)(1) No person may drive a commercial motor vehicle while his or her driving privilege is suspended, revoked, or canceled, or while subject to a disqualification;
(2) No person may drive a commercial motor vehicle ~~or~~ in violation of an out of service order."

SECTION 13.

Said chapter is further amended by striking paragraph (1) of subsection (a) of Code Section 40-5-147, relating to the requirements for issuing a commercial driver's license or instruction permit, in its entirety and inserting in its place the following:

"(a)(1) Except as provided in Code Section 40-5-148, no person may be issued a commercial driver's license unless that person is a resident of this state, is at least 18 years of age, has passed a knowledge and skills test for driving a commercial motor vehicle which complies with minimum federal standards established by federal regulations enumerated in 49 C.F.R. Part 383, subparts G and H, has completed the Highway Watch safety and security training program or its federally designated successor program and is properly registered with the same, and has satisfied all other requirements of the Commercial Motor Vehicle Safety Act of 1986, Title XII of

Public Law 99-570, in addition to any other requirements imposed by state law or federal regulation. The tests shall be prescribed and conducted by the department in English only."

SECTION 14.

Said chapter is further amended by adding a new Code section to read as follows:

"40-5-148.2.

If an individual is a resident of another state while that other state is prohibited from issuing commercial driver's licenses pursuant to 49 C.F.R. Section 384.405, that individual is eligible to obtain a nonresident commercial driver's license. The individual shall provide the information specified in Code Section 40-5-149. The department shall promulgate rules and regulations as necessary to implement this Code section within 90 days of being notified that a state will be prohibited from issuing commercial driver's licenses."

SECTION 15.

Said chapter is further amended by adding a new subsection (i) to Code Section 40-5-150, relating to contents, classifications, endorsements, and restrictions on commercial driver's licenses, to read as follows:

"(i) Before issuing, renewing, upgrading, or transferring a commercial driver's license with a hazardous materials endorsement, the department shall obtain a Transportation Security Administration determination that the individual does not pose a security risk warranting denial of the endorsement. The department shall promulgate rules and regulations as necessary to implement this Code subsection."

SECTION 16.

Said chapter is further amended by striking subsection (h) of Code Section 40-5-150, relating to the contents of a commercial driver's license, in its entirety and inserting in its place the following:

"(h) When applying for renewal of a commercial driver's license, the applicant shall complete the application form required by subsection (a) of Code Section 40-5-149, providing updated information and required medical certifications, and provide evidence the applicant has completed the Highway Watch safety and security training program or its federally designated successor program and is properly registered with the same. If the applicant wishes to retain a hazardous materials endorsement, the written test for a hazardous materials endorsement must be taken and passed."

SECTION 17.

Said chapter is further amended by striking subsections (b), (c), and (g) of Code Section 40-5-151, relating to disqualification from driving a commercial motor vehicle, in their entirety and inserting in lieu thereof new subsections (b), (c), and (g) and by adding a new subsection (i) to read as follows:

"(b) Any person is disqualified from driving a commercial motor vehicle for a period of not less than three years if convicted of a first violation of using a commercial motor vehicle in the commission of a felony or for offenses specified in ~~paragraph (1) of~~ subsection (a) of this Code section, provided that the vehicle being operated or used in connection with such violation or commission of such felony is transporting a hazardous material required to be placarded under Section 105 of the Hazardous Material Transportation Act.

(c) Any person is disqualified from driving a commercial motor vehicle for life if convicted of two or more violations of any of the offenses specified in subsection (a) of Code Section 40-5-54, paragraph (1) of subsection (b) of Code Section 40-5-146, or Code Section 40-6-391, the refusal to submit to state administered chemical testing as prescribed by Code Section 40-5-55, or any combination of those offenses or refusals, arising from two or more separate incidents."

"(g)(1) Any person is disqualified from driving a commercial motor vehicle based on the following violations of out-of-service orders:

(A) First violation — a driver who is convicted of a first violation of an out-of-service order is disqualified for a period of not less than 90 days and not more than one year;

(B) Second violation — a driver who is convicted of two violations of out-of-service orders in separate incidents is disqualified for a period of not less than one year and not more than five years; and

(C) Third or subsequent violation — a driver who is convicted of three or more violations of out-of-service orders in separate incidents is disqualified for a period of not less than three years and not more than five years.

(2) Whenever the operator of a commercial motor vehicle is issued an out-of-service order, a copy of such order shall be issued to the operator of the commercial motor vehicle, the operator of the commercial motor vehicle's employer, and a copy or notice of such out-of-service order shall be provided to the department. The form of such out-of-service order, the procedures for notifying the department upon the issuance of such an order, and other matters relative to the issuance of out-of-service orders and violations thereof shall be provided in rules and regulations promulgated by the commissioner.

(3) Any person is disqualified for a period of not less than 180 days nor more than two years if the driver is convicted of a first violation of an out-of-service order while transporting hazardous materials required to be placarded under Section 105 of the Hazardous Materials Transportation Act, or while operating commercial motor vehicles designed to transport more than 15 passengers, including the driver. A driver is disqualified for a period of not less than three years nor more than five years if, during any ten-year period, the driver is convicted of any subsequent violations of out-of-service orders, in separate incidents, while transporting hazardous materials required to be placarded under Section 105 of the Hazardous Materials Transportation Act, or while operating commercial motor vehicles designed to transport more than 15 passengers, including the driver."

"(i) Any person is disqualified from driving a commercial motor vehicle for a period of not less than 60 days if it is determined, in a check of an applicant's license status and record prior to issuing a commercial driver's license or at any time after the commercial driver's license is issued, that the applicant has falsified information on his or her application or any related filing."

SECTION 18.

Said chapter is further amended by striking subsection (c) of Code Section 40-5-159, relating to penalties for driving a commercial motor vehicle while in violation of the law, in its entirety and inserting in its place the following:

"(c)(1) Any person who drives a commercial motor vehicle while in violation of the provisions mandated under Code Section 40-5-146 shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$500.00. The department shall suspend the commercial driver's license or commercial driving privilege of such any driver convicted of violating subsection (a) or paragraph (1) of subsection (b) of Code Section 40-5-146 for a period of six months.

(2) The department shall suspend the commercial driver's license or commercial driving privilege of any person who is convicted of violating Code Section 40-5-29 in a commercial vehicle for a period of six months."

SECTION 19.

Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to the uniform rules of the road, is amended by striking subsection (c) of Code Section 40-6-186, relating to racing on highways or streets, and inserting in its place the following:

"(c) Any person convicted of violating subsection (b) of this Code section shall be guilty of a misdemeanor. In addition to the punishment prescribed by law, the Department of Public Safety shall suspend for 12 months the license of any person convicted of such violation."

SECTION 20.

Said chapter is further amended by striking Code Section 40-6-187, relating to charging speeding violations, in its entirety and inserting in its place the following:

"40-6-187.

(a) In every charge of violation of any speed regulation in this chapter, the summons or notice to appear shall specify the speed at which the defendant is alleged to have driven and also the maximum speed applicable within the district or at the location.

(b) For the purpose of imposing points pursuant to Code Section 40-5-57, every sentence for a violation of any speed regulation in this chapter shall state the specific amount by which the person convicted exceeded the speed limit."

SECTION 21.

This Act shall become effective on July 1, 2006.

SECTION 22.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Sailor
Y Amerson	Y Cummings	Holmes	Y Maxwell	Y Scheid
E Anderson	Davis	Y Holt	Y May	Y Scott, A
Y Ashe	E Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	E McClinton	Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
Y Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Benfield	Y Drenner	Y Jackson	Y Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Morgan	Y Sinkfield
Y Black	Y Ehrhart	Y James	Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
Y Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Keen	O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	E Orrock	Y Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	E Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Watson
Y Channell	Harbin	Y Lord	Y Reece, B	E Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 157, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

Representative Abdul-Salaam of the 74th stated that she had been called from the floor of the House during the preceding roll call. She wished to be recorded as voting "aye" thereon.

The following supplemental Rules Calendar was read and adopted:

HOUSE SUPPLEMENTAL RULES CALENDAR
THURSDAY, MARCH 2, 2006

Mr. Speaker and Members of the House:

Your Committee on Rules has met and submits the following supplemental to the calendar already adopted this March 02, 2006, by adding the following:

DEBATE CALENDAR

Open Rule

SB 468 Quality Basic Education Act; establishment of grant program for High Performance Principals; rules/regulations

Modified Structured Rule

HB 935 Advanced practice registered nurse; controlled substances; provisions

Bills and Resolutions on this calendar may be called in any order the Speaker desires.

Respectfully submitted,
/s/ Ehrhart of the 36th
Chairman

Under the general order of business, established by the Committee on Rules, the following Bill of the Senate was taken up for consideration and read the third time:

SB 468. By Senators Moody of the 56th, Carter of the 13th, Douglas of the 17th, Grant of the 25th, Bulloch of the 11th and others:

A BILL to be entitled an Act to amend Subpart 2 of Part 6 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to conditions of employment under the "Quality Basic Education Act," so as to provide for the establishment of a grant program for High Performance Principals to attract successful principals to schools in need of improvement;

to provide for legislative findings; to provide for a definition; to provide for rules and regulations; to provide for one-year salary supplements; to provide for reports; to provide for construction; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
E Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	E Day	Y Horne	McCall	Y Scott, M
Y Barnard	Dean	Y Houston	E McClinton	Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
Y Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Benfield	Drenner	Y Jackson	Y Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Morgan	Y Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
Y Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	E Orrock	Y Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	E Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Hanner	Y Lindsey	Y Ray	Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, the ayes were 158, nays 0.

The Bill, having received the requisite constitutional majority, was passed.

Representative Smith of the 129th District, Chairman of the Committee on Transportation, submitted the following report:

Mr. Speaker:

Your Committee on Transportation has had under consideration the following Bill and Resolutions of the House and has instructed me to report the same back to the House with the following recommendations:

HB 1090 Do Pass, by Substitute
HR 1169 Do Pass

HR 1302 Do Pass, by Substitute
HR 1491 Do Pass, by Substitute

Respectfully submitted,
/s/ Smith of the 129th
Chairman

The Speaker Pro Tem assumed the Chair.

Under the general order of business, established by the Committee on Rules, the following Bill of the House was taken up for consideration and read the third time:

HB 935. By Representatives Burmeister of the 119th, Ehrhart of the 36th, Hembree of the 67th, Henson of the 87th, Buckner of the 130th and others:

A BILL to be entitled an Act to amend Code Section 16-13-21 of the Official Code of Georgia Annotated, relating to definitions relative to regulation of controlled substances, so as to revise the definition of "practitioner"; to amend Article 1 of Chapter 26 of Title 43 of the Official Code of Georgia Annotated, relating to the "Georgia Registered Professional Nurse Practice Act," so as to provide for an advanced practice registered nurse to execute drug orders and to provide professional samples; to amend Code Section 43-34-26.1 of the Official Code of Georgia Annotated, relating to delegation of authority to a nurse or physician's assistant, so as to provide for prescriptive authority of advanced practice registered nurses; to delete a provision relating to a Drug Enforcement Administration license; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and withdrawn:

A BILL

To amend Code Section 16-13-21 of the Official Code of Georgia Annotated, relating to definitions relative to regulation of controlled substances, so as to revise the definition of "practitioner"; to amend Chapter 26 of Title 43 of the Official Code of Georgia Annotated, relating to nurses, so as to provide for a definition; to provide for enactment of rules and regulations affecting advanced practice registered nurses; to provide for a change in certain prohibited activities; to change a provision relating to a Drug Enforcement Administration license applicability to nurses and physician's assistants; to amend Article 2 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to the physicians, so as to provide for a physician to delegate certain medical acts to allow an advanced practice registered nurse to issue prescription drug orders and provide professional samples, order diagnostic studies, medical devices, and in certain life-threatening situations to order radiographic imaging; to provide for construction and limitations related to such delegation; to provide for definitions; to provide for the conditions of a nurse protocol agreement; to provide for patients receiving certain care to be examined by a physician on a determinative basis; to provide for execution of prescription drug orders; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 16-13-21 of the Official Code of Georgia Annotated, relating to definitions relative to regulation of controlled substances, is amended by striking paragraph (23) and inserting in its place the following:

"(23) 'Practitioner' means:

(A) A physician, dentist, pharmacist, podiatrist, veterinarian, scientific investigator, or other person licensed, registered, or otherwise authorized under the laws of this state to distribute, dispense, conduct research with respect to, or to administer a controlled substance in the course of professional practice or research in this state;

(B) A pharmacy, hospital, or other institution licensed, registered, or otherwise authorized by law to distribute, dispense, conduct research with respect to, or to administer a controlled substance in the course of professional practice or research in this state; or

(C) An advanced practice registered nurse acting pursuant to the authority of Code Section 43-34-26.3. For purposes of this chapter and Code Section 43-34-26.3, an advanced practice registered nurse is authorized to register with the federal Drug Enforcement Administration and appropriate state authorities; or

~~(C)(D)~~ (D) A physician's assistant acting pursuant to the authority of subsection (e.1) of Code Section 43-34-103. For purposes of this chapter and subsection (e.1) of Code Section 43-34-103 ~~and notwithstanding the provisions of subsection (g) of Code Section 43-34-26.1~~, a physician's assistant is authorized to register with the federal Drug Enforcement Administration and appropriate state authorities."

SECTION 2.

Chapter 26 of Title 43 of the Official Code of Georgia Annotated, relating to nurses, is amended by adding a new paragraph to Code Section 43-26-3, relating to definitions, to read as follows:

"(1.1) 'Advanced practice registered nurse' means a registered professional nurse licensed under this chapter who is recognized by the board as having met the requirements established by the board to engage in advanced nursing practice and who holds a master's degree and national board certification in his or her area of speciality, or a person who was recognized as an advanced practice registered nurse by the board on or before January 1, 2006. Only a person recognized by the board as an advanced practice registered nurse shall be authorized to hold himself or herself out as an advanced practice registered nurse or to use the initials A.P.R.N."

SECTION 3.

Said chapter is further amended by striking paragraph (12) of subsection (a) of Code Section 43-26-5, relating to general powers of the board, and inserting in lieu thereof the following:

"(12) Be authorized to enact rules and regulations for registered professional nurses in their performing acts under a nurse protocol as authorized in Code Section 43-34-26.1 and enact rules and regulations for advanced practice registered nurses in performing acts as authorized in Code Section 43-34-26.3;"

SECTION 4.

Said chapter is further amended by striking paragraph (4) of Code Section 43-26-10, relating to the prohibition of practicing as a registered professional nurse without a license, and inserting in lieu thereof the following:

"(4) Use any words, abbreviations, figures, letters, title, sign, card, or device implying that such person is a registered professional nurse or advanced practice registered nurse unless such person is duly licensed so to practice under the provisions of this article;"

SECTION 5.

Article 2 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to physicians, is amended by striking subsection (g) of Code section 43-34-26.1, relating to delegation of authority to a nurse or physician's assistant, and inserting in lieu thereof the following:

"(g) Nothing in this Code section shall be construed to authorize or permit the issuance of a Drug Enforcement Administration license to a nurse ~~or physician's assistant~~ who is not an advanced practice registered nurse."

SECTION 6.

Said article is further amended by adding a new Code Section 43-34-26.3 to read as follows:

"43-34-26.3.

(a) As used in this Code section, the term:

(1) 'Advanced practice registered nurse' shall have the same meaning as provided in paragraph (1.1) of Code Section 43-26-3.

(2) 'Birthing center' means a facility or building where human births occur on a regular or ongoing basis and which is classified by the Department of Human Resources as a birthing center.

(3) 'Controlled substance' means any controlled substance as defined in Code Section 16-13-21 but shall not include any Schedule I controlled substance included in Code Section 16-13-25 or any Schedule II controlled substance included in Code Section 16-13-26.

(4) 'Dangerous drug' means any dangerous drug as defined in Code Section 16-13-71.

(5) 'Delegating physician' means a physician who has entered into a nurse protocol agreement pursuant to this Code section.

(6) 'Designated teaching hospital' shall have the same meaning as provided in Code Section 31-7-95.

(7) 'Diagnostic study' means a laboratory test, X-ray, or ultrasound.

(8) 'Drug' means any dangerous drug or controlled substance.

(9) 'Free health clinic' shall have the same meaning as provided in Code Section 51-1-29.4.

(10) 'Life threatening' means an emergency situation in which a patient's life or physical well-being will be harmed if certain testing is not performed immediately.

(11) 'Nurse protocol agreement' means a written document mutually agreed upon and signed by an advanced practice registered nurse and a physician, by which document the physician delegates to that advanced practice registered nurse the authority to perform certain medical acts pursuant to this Code section, and which acts may include, without being limited to, the ordering of drugs, medical devices, medical treatments, or diagnostic studies or in life-threatening situations radiographic imaging tests. Such agreements shall conform to the provisions set forth in subsection (c) of this Code section.

(12) 'Order' means to select pursuant to a nurse protocol agreement which drug, medical device, medical treatment, or diagnostic study or in life-threatening situations radiographic imaging test is appropriate for a patient and to communicate the same in writing, orally, via facsimile, or electronically.

(13) 'Physician' means a person licensed to practice medicine under this chapter and:

(A) Whose principal place of practice is within this state; or

(B) Whose principal place of practice is outside this state but is within 50 miles from the location where the nurse protocol agreement is being utilized within this state.

(14) 'Prescription drug order' means a written or oral order of an advanced practice registered nurse for a drug or medical device for a specific patient. Such term includes an electronic visual image prescription drug order and an electronic data prescription drug order.

(15) 'Professional sample' means a complimentary dose of a drug, medication, medication voucher, or medical device provided by the manufacturer for use in patient care.

(16) 'Radiographic imaging test' means a computed tomography, magnetic resonance imaging, positron emission tomography, or nuclear medicine.

(17) 'Routine preventive health maintenance' means evaluation and maintenance of an individual's health including those medical acts appropriate to age and gender, medical history, and risk factors such as examination, counseling, anticipatory guidance, risk factor reduction intervention, and ordering of appropriate immunizations and laboratory and diagnostic procedures.

(b)(1) In addition to and without limiting the authority granted pursuant to Code Section 43-34-26.1, a physician may delegate to an advanced practice registered nurse in accordance with a nurse protocol agreement the authority to order drugs, medical devices, medical treatments, or diagnostic studies or in life-threatening situations radiographic imaging tests.

(2) A delegating physician entering into a nurse protocol agreement pursuant to this Code section shall adequately supervise acts delegated in accordance with a nurse protocol agreement. Except for patients receiving services in the facilities identified in paragraphs (1) through (7) of subsection (g) of this Code section, patients receiving services pursuant to a nurse protocol agreement shall be examined by a physician:

(A) Biennially for patients receiving oral contraceptives, hormone replacement therapy, prenatal vitamins, or routine preventive health maintenance; and

(B) Annually for patients receiving ongoing medical treatments, drugs other than controlled substances, or medical devices.

(3) Patients receiving services pursuant to a nurse protocol agreement shall be examined by a physician quarterly if the patient is receiving controlled substances.

(c) A nurse protocol agreement between a physician and an advanced practice registered nurse pursuant to this Code section shall:

(1) Be between an advanced practice registered nurse who is in a comparable specialty area or field as that of the delegating physician;

(2) Contain a provision for immediate consultation between the advanced practice registered nurse and the delegating physician; if the delegating physician is not available, the delegating physician for purposes of consultation may designate another physician who is aware of and in agreement with the nurse protocol agreement;

(3) Identify the parameters under which delegated acts may be performed by the advanced practice registered nurse, including without limitation the number of refills which may be ordered, the kinds of diagnostic studies which may be ordered, the extent, if authorized, to which radiographic images may be ordered in life-threatening situations, and the circumstances, if any, under which the advanced practice registered nurse may execute a prescription drug order. The nurse protocol agreement may allow an advanced practice registered nurse to review a report of diagnostic studies or radiographic images, or review the images, but shall not authorize the advanced practice registered nurse to interpret such report or images and shall require the

advanced practice registered nurse to forward a copy of such report to the delegating physician;

(4) Require documentation either in writing or by electronic means or other medium by the advanced practice registered nurse of those acts performed by the advanced practice registered nurse which are medical acts required to be authorized by the delegating physician in the nurse protocol agreement;

(5) Include a schedule for periodic review by the delegating physician of patient records. Such patient records review may be achieved with a sampling of such records as determined by the delegating physician;

(6) Provide for patient review, evaluation, or follow-up by the delegating physician, with the frequency of such review, evaluation, or follow-up based on the nature, extent, and scope of the delegated act or acts as determined by the delegating physician and in accordance with paragraphs (2) and (3) of subsection (b) of this Code section;

(7) Be reviewed, revised, or updated annually by the delegating physician and the advanced practice registered nurse; and

(8) Be available for review upon written request to the advanced practice registered nurse by the Georgia Board of Nursing or to the physician by the board.

(d) A written prescription drug order issued pursuant to this Code section shall be signed by the advanced practice registered nurse and shall be on a form which shall include, without limitation, the names of the advanced practice registered nurse and delegating physician who are parties to the nurse protocol agreement, the patient's name and address, the drug or device ordered, directions with regard to the taking and dosage of the drug or use of the device, and the number of refills. A prescription drug order which is transmitted either electronically or via facsimile shall conform to the requirements set out in paragraphs (1) and (2) of subsection (c) of Code Section 26-4-80, respectively.

(e) An advanced practice registered nurse may be authorized under a nurse protocol agreement to request, receive, and sign for professional samples and may distribute professional samples to patients. The office or facility at which the advanced practice registered nurse is working shall maintain a list of the professional samples approved by the delegating physician for request, receipt, and distribution by the advanced practice registered nurse as well as a complete list of the specific number and dosage of each professional sample and medication voucher received and dispensed. In addition to the requirements of this Code section, all professional samples shall be maintained as required by applicable state and federal laws and regulations.

(f) A managed care system, health plan, hospital, insurance company, or other similar entity shall not require a physician or advanced practice registered nurse to be a party to a nurse protocol agreement as a condition for participation in or reimbursement from such entity.

(g) A delegating physician may not enter into a nurse protocol agreement pursuant to this Code section with more than four advanced practice registered nurses at any one

time, except this limitation shall not apply to an advanced practice registered nurse that is practicing:

- (1) In the emergency department of a hospital licensed under Title 31;
- (2) In a designated teaching hospital;
- (3) In the Division of Public Health of the Department of Human Resources;
- (4) In any county board of health;
- (5) In any free health clinic;
- (6) In a birthing center; or
- (7) In any organization:
 - (A) Which is exempt from federal taxes pursuant to Section 501(c)(3) of the Internal Revenue Code, as defined in Code Section 48-1-2; or
 - (B) Which has been established under the authority of or is receiving funds pursuant to 42 U.S.C. Section 254b or 254c of the United States Public Health Service Act.
- (h) Nothing in this Code section shall be construed to create a presumption of liability, either civil or criminal, on the part of a pharmacist duly licensed under Chapter 4 of Title 26 who, in good faith, fills a prescription drug order of an advanced practice registered nurse issued pursuant to a nurse protocol agreement.
- (i) Nothing in this Code section shall be construed to apply to the practice of a certified registered nurse anesthetist.
- (j) Nothing in this Code section shall be construed to require an advanced practice registered nurse to be a party to a nurse protocol agreement in order to practice as a registered professional nurse or an advanced practice registered nurse as otherwise permitted by Article 1 of Chapter 26 of this title.
- (k) Nothing in this Code section shall be construed to authorize an advanced practice registered nurse to issue a prescription drug order for a Schedule I or II controlled substance or authorize refills of any drug for more than 12 months from the date of the original order except in the case of oral contraceptives, hormone replacement therapy, or prenatal vitamins which may be refilled for a period of 24 months."

SECTION 7.

All laws and parts of laws in conflict with this Act are repealed.

The following substitute, offered by the Committee on Rules, was read and adopted:

A BILL

To amend Code Section 16-13-21 of the Official Code of Georgia Annotated, relating to definitions relative to regulation of controlled substances, so as to revise the definition of "practitioner"; to amend Chapter 26 of Title 43 of the Official Code of Georgia Annotated, relating to nurses, so as to provide for a definition; to provide for enactment of rules and regulations affecting advanced practice registered nurses; to provide for a change in certain prohibited activities; to change a provision relating to a Drug

Enforcement Administration license applicability to nurses and physician's assistants; to amend Article 2 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to the physicians, so as to provide for a physician to delegate certain medical acts to allow an advanced practice registered nurse to issue prescription drug orders and provide professional samples, order diagnostic studies, medical devices, and in certain life-threatening situations to order radiographic imaging; to provide for construction and limitations related to such delegation; to provide for definitions; to provide for the conditions of a nurse protocol agreement; to provide for execution of prescription drug orders; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 16-13-21 of the Official Code of Georgia Annotated, relating to definitions relative to regulation of controlled substances, is amended by striking paragraph (23) and inserting in its place the following:

"(23) 'Practitioner' means:

(A) A physician, dentist, pharmacist, podiatrist, veterinarian, scientific investigator, or other person licensed, registered, or otherwise authorized under the laws of this state to distribute, dispense, conduct research with respect to, or to administer a controlled substance in the course of professional practice or research in this state;

(B) A pharmacy, hospital, or other institution licensed, registered, or otherwise authorized by law to distribute, dispense, conduct research with respect to, or to administer a controlled substance in the course of professional practice or research in this state; or

(C) An advanced practice registered nurse acting pursuant to the authority of Code Section 43-34-26.3. For purposes of this chapter and Code Section 43-34-26.3, an advanced practice registered nurse is authorized to register with the federal Drug Enforcement Administration and appropriate state authorities; or

~~(D) A physician's assistant acting pursuant to the authority of subsection (e.1) of Code Section 43-34-103. For purposes of this chapter and subsection (e.1) of Code Section 43-34-103 and notwithstanding the provisions of subsection (g) of Code Section 43-34-26.1, a physician's assistant is authorized to register with the federal Drug Enforcement Administration and appropriate state authorities."~~

SECTION 2.

Chapter 26 of Title 43 of the Official Code of Georgia Annotated, relating to nurses, is amended by adding a new paragraph to Code Section 43-26-3, relating to definitions, to read as follows:

"(1.1) 'Advanced practice registered nurse' means a registered professional nurse licensed under this chapter who is recognized by the board as having met the requirements established by the board to engage in advanced nursing practice and who holds a master's degree and national board certification in his or her area of

speciality, or a person who was recognized as an advanced practice registered nurse by the board on or before January 1, 2006."

SECTION 3.

Said chapter is further amended by striking paragraph (12) of subsection (a) of Code Section 43-26-5, relating to general powers of the board, and inserting in lieu thereof the following:

"(12) Be authorized to enact rules and regulations for registered professional nurses in their performing acts under a nurse protocol as authorized in Code Section 43-34-26.1 and enact rules and regulations for advanced practice registered nurses in performing acts as authorized in Code Section 43-34-26.3;"

SECTION 4.

Said chapter is further amended by striking paragraph (4) of Code Section 43-26-10, relating to the prohibition of practicing as a registered professional nurse without a license, and inserting in lieu thereof the following:

"(4) Use any words, abbreviations, figures, letters, title, sign, card, or device implying that such person is a registered professional nurse or advanced practice registered nurse unless such person is duly licensed or recognized by the board so to practice under the provisions of this article;"

SECTION 5.

Article 2 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to physicians, is amended by striking subsection (g) of Code section 43-34-26.1, relating to delegation of authority to a nurse or physician's assistant, and inserting in lieu thereof the following:

"(g) Nothing in this Code section shall be construed to authorize or permit the issuance of a Drug Enforcement Administration license to a nurse ~~or physician's assistant~~ who is not an advanced practice registered nurse."

SECTION 6.

Said article is further amended by adding a new Code Section 43-34-26.3 to read as follows:

"43-34-26.3.

(a) As used in this Code section, the term:

(1) 'Advanced practice registered nurse' shall have the same meaning as provided in paragraph (1.1) of Code Section 43-26-3.

(2) 'Birthing center' means a facility or building where human births occur on a regular or ongoing basis and which is classified by the Department of Human Resources as a birthing center.

(3) 'Controlled substance' means any controlled substance as defined in Code Section 16-13-21 but shall not include any Schedule I controlled substance included in Code

Section 16-13-25 or any Schedule II controlled substance included in Code Section 16-13-26.

(4) 'Dangerous drug' means any dangerous drug as defined in Code Section 16-13-71.

(5) 'Delegating physician' means a physician who has entered into a nurse protocol agreement pursuant to this Code section.

(6) 'Diagnostic study' means a laboratory test, X-ray, ultrasound, or procedure used to identify a characteristic or distinguishing feature of a particular disease or condition.

(7) 'Drug' means any dangerous drug or controlled substance.

(8) 'Free health clinic' shall have the same meaning as provided in Code Section 51-1-29.4.

(9) 'Life threatening' means an emergency situation in which a patient's life or physical well-being will be harmed if certain testing is not performed immediately.

(10) 'Nurse protocol agreement' means a written document mutually agreed upon and signed by an advanced practice registered nurse and a physician, by which document the physician delegates to that advanced practice registered nurse the authority to perform certain medical acts pursuant to this Code section, and which acts may include, without being limited to, the ordering of drugs, medical devices, medical treatments, diagnostic studies, or in life-threatening situations radiographic imaging tests. Such agreements shall conform to the provisions set forth in subsection (c) of this Code section.

(11) 'Order' means to select pursuant to a nurse protocol agreement which drug, medical device, medical treatment, diagnostic study, or in life-threatening situations radiographic imaging test is appropriate for a patient and to communicate the same in writing, orally, via facsimile, or electronically.

(12) 'Physician' means a person licensed to practice medicine under this chapter and:

(A) Whose principal place of practice is within this state; or

(B) Whose principal place of practice is outside this state but is within 50 miles from the location where the nurse protocol agreement is being utilized within this state.

(13) 'Prescription drug order' means a written or oral order of an advanced practice registered nurse for a drug or medical device for a specific patient. Such term includes an electronic visual image prescription drug order and an electronic data prescription drug order.

(14) 'Professional sample' means a complimentary dose of a drug, medication, medication voucher, or medical device provided by the manufacturer for use in patient care.

(15) 'Radiographic imaging test' means a computed tomography, magnetic resonance imaging, positron emission tomography, or nuclear medicine.

(b) In addition to and without limiting the authority granted pursuant to Code Section 43-34-26.1, a physician may delegate to an advanced practice registered nurse in accordance with a nurse protocol agreement the authority to order drugs, medical devices, medical treatments, diagnostic studies or in life-threatening situations radiographic imaging tests.

(c) A nurse protocol agreement between a physician and an advanced practice registered nurse pursuant to this Code section shall:

(1) Be between an advanced practice registered nurse who is in a comparable specialty area or field as that of the delegating physician;

(2) Contain a provision for immediate consultation between the advanced practice registered nurse and the delegating physician; if the delegating physician is not available, the delegating physician for purposes of consultation may designate another physician who is aware of and concurs with the nurse protocol agreement;

(3) Identify the parameters under which delegated acts may be performed by the advanced practice registered nurse, including without limitation the number of refills which may be ordered, the kinds of diagnostic studies which may be ordered, the extent to which radiographic image tests may be ordered, and the circumstances under which a prescription drug order may be executed. In the event the delegating physician authorizes the advanced practice registered nurse to order an X-ray, ultrasound, or radiographic imaging test, the nurse protocol agreement shall contain provisions whereby such X-ray, ultrasound, or radiographic imaging test shall be read and interpreted by a physician who is trained in the reading and interpretation of such tests; a report of such X-ray, ultrasound, or radiographic imaging test may be reviewed by the advanced practice registered nurse; and a copy of such report shall be forwarded to the delegating physician, except that such provision for an ultrasound shall not be required for an advanced practice registered nurse acting within his or her scope of practice as authorized by Code Sections 43-26-3 and 43-26-5.

(4) Require documentation either in writing or by electronic means or other medium by the advanced practice registered nurse of those acts performed by the advanced practice registered nurse which are specific to the medical acts authorized by the delegating physician;

(5) Include a schedule for periodic review by the delegating physician of patient records. Such patient records review may be achieved with a sampling of such records as determined by the delegating physician;

(6) Provide for patient review, evaluation, or follow-up by the delegating physician, with the frequency of such review, evaluation, or follow-up based on the nature, extent, and scope of the delegated act or acts as determined by the delegating physician;

(7) Be reviewed, revised, or updated annually by the delegating physician and the advanced practice registered nurse; and

(8) Be available for review upon written request to the advanced practice registered nurse by the Georgia Board of Nursing or to the physician by the board.

(d) A written prescription drug order issued pursuant to this Code section shall be signed by the advanced practice registered nurse and shall be on a form which shall include, without limitation, the names of the advanced practice registered nurse and delegating physician who are parties to the nurse protocol agreement, the patient's name and address, the drug or device ordered, directions with regard to the taking and dosage of the drug or use of the device, and the number of refills. A prescription drug order

which is transmitted either electronically or via facsimile shall conform to the requirements set out in paragraphs (1) and (2) of subsection (c) of Code Section 26-4-80, respectively.

(e) An advanced practice registered nurse may be authorized under a nurse protocol agreement to request, receive, and sign for professional samples and may distribute professional samples to patients. The office or facility at which the advanced practice registered nurse is working shall maintain a list of the professional samples approved by the delegating physician for request, receipt, and distribution by the advanced practice registered nurse as well as a complete list of the specific number and dosage of each professional sample and medication voucher received and dispensed. In addition to the requirements of this Code section, all professional samples shall be maintained as required by applicable state and federal laws and regulations.

(f) A managed care system, health plan, hospital, insurance company, or other similar entity shall not require a physician or advanced practice registered nurse to be a party to a nurse protocol agreement as a condition for participation in or reimbursement from such entity.

(g) A delegating physician may not enter into a nurse protocol agreement pursuant to this Code section with more than four advanced practice registered nurses at any one time as calculated on a full-time equivalency basis, except this limitation shall not apply to an advanced practice registered nurse that is practicing:

- (1) In a hospital licensed under Title 31;
- (2) In any college or university as defined in Code Section 20-8-1;
- (3) In the Department of Human Resources;
- (4) In any county board of health;
- (5) In any free health clinic;
- (6) In a birthing center;
- (7) In any organization:
 - (A) Which is exempt from federal taxes pursuant to Section 501(c)(3) of the Internal Revenue Code, as defined in Code Section 48-1-2; or
 - (B) Which has been established under the authority of or is receiving funds pursuant to 42 U.S.C. Section 254b or 254c of the United States Public Health Service Act; or
- (8) In any local board of education which has a school nurse program.

(h) Nothing in this Code section shall be construed to create a presumption of liability, either civil or criminal, on the part of a pharmacist duly licensed under Chapter 4 of Title 26 who, in good faith, fills a prescription drug order of an advanced practice registered nurse issued pursuant to a nurse protocol agreement.

(i) Nothing in this Code section shall be construed to apply to the practice of a certified registered nurse anesthetist.

(j) Nothing in this Code section shall be construed to require an advanced practice registered nurse to be a party to a nurse protocol agreement in order to practice as a registered professional nurse or an advanced practice registered nurse as otherwise permitted by Article 1 of Chapter 26 of this title.

(k) Nothing in this Code section shall be construed to authorize an advanced practice registered nurse to issue a prescription drug order for a Schedule I or II controlled substance or authorize refills of any drug for more than 12 months from the date of the original order except in the case of oral contraceptives, hormone replacement therapy, or prenatal vitamins which may be refilled for a period of 24 months.

(l) Nothing in this Code section shall be construed to authorize or permit any practitioner to authorize an advanced practice registered nurse to perform an abortion or administer abortion-inducing prescriptions other than as authorized in Code Section 16-12-141."

SECTION 7.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to, by substitute.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
E Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	E Day	Y Horne	Y McCall	Y Scott, M
Barnard	Dean	Y Houston	E McClinton	Y Setzler
Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
Y Beasley-Teague	Y Dollar	Y Hugley	E Mills	Y Sims, C
Y Benfield	Y Drenner	Y Jackson	Y Mitchell	Y Sims, F
Y Benton	Dukes	Y Jacobs	Y Morgan	Y Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
N Bordeaux	Y England	Y Jamieson	Mosby	Y Smith, L
Y Borders	Y Epps	Jenkins	Y Mosley	N Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Jones, J	E Murphy, Q	N Smith, V
N Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	E Forster	Y Keen	O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	E Orrock	Stephenson
Burkhalter	Y Freeman	Y Kidd	Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	Y Thomas, B
Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Hanner	Y Lindsey	Y Ray	Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	N Hatfield	Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A

Y Cole	N Heard, K	Y Lunsford	Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Y Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	E Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 146, nays 6.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

Representatives Barnard of the 166th, Dean of the 59th, Jenkins of the 8th, Jones of the 46th, Mosby of the 90th, and Rice of the 51st stated that they had been called from the floor of the House during the preceding roll call. They wished to be recorded as voting "aye" thereon.

The following Bill of the House was taken up for the purpose of considering the report of the Committee of Conference thereon:

HB 246. By Representatives Graves of the 137th, Stephens of the 164th, Carter of the 159th, Burmeister of the 119th, Parham of the 141st and others:

A BILL to be entitled an Act to amend Code Section 26-4-80 of the Official Code of Georgia Annotated, relating to dispensing prescription drugs, electronically transmitting drug orders, refills, and Schedule II controlled substance prescriptions, so as to change certain provisions relating to the electronic transmission of prescription drug orders; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following report of the Committee of Conference was read:

COMMITTEE OF CONFERENCE REPORT ON HB 246

The Committee of Conference on HB 246 recommends that both the Senate and the House of Representatives recede from their positions and that the attached Committee of Conference Substitute to HB 246 be adopted.

Respectfully submitted,

FOR THE HOUSE
OF REPRESENTATIVES:

FOR THE SENATE:

/s/ David Graves
Representative, 137th District

/s/ Don Balfour
Senator, 9th District

/s/ Stephens
Representative, 164th District

/s/ David Shafer
Senator, 48th District

/s/ Butch Parrish
Representative, 156th District

/s/ Pearson
Senator, 51st District

A BILL

To amend Code Section 26-4-60 of the Official Code of Georgia Annotated, relating to grounds for suspension, revocation, or refusal to grant licenses by the State Board of Pharmacy, so as to change certain provisions relating to selling, distributing, and delivering prescription drugs by mail or other common carriers; to amend Code Section 26-4-80 of the Official Code of Georgia Annotated, relating to dispensing prescription drugs, electronically transmitting drug orders, refills, and Schedule II controlled substance prescriptions, so as to change certain provisions relating to the electronic transmission of prescription drug orders; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 26-4-60 of the Official Code of Georgia Annotated, relating to grounds for suspension, revocation, or refusal to grant licenses by the State Board of Pharmacy, is amended by striking paragraph (11) of subsection (a) and inserting in lieu thereof the following:

"(11) Regularly employing the mails or other common carriers to sell, distribute, and deliver a drug which requires a prescription directly to a patient; provided, however, that this provision shall not prohibit the use of the mails or other common carriers to sell, distribute, and deliver a prescription drug directly to an institution or to sell, distribute, or deliver prescription drug refills, upon his or her request, to an enrollee in a health benefits plan of a group model health maintenance organization or its affiliates by a pharmacy which is operated by that same group model health maintenance organization and licensed under Code Section 26-4-110. Any pharmacy using the mails or other common carriers to dispense prescriptions pursuant to this paragraph shall comply with the following conditions:

(A) The pharmacy shall provide an electronic, telephonic, or written communications mechanism which reasonably determines whether the medications distributed by the mails or other common carriers have been received by the enrollee and through which a pharmacist employed by the group model health maintenance organization or a pharmacy intern under his or her direct supervision is enabled to offer counseling to the enrollee as authorized by and in accordance with his or her obligations under Code Section 26-4-85, unless the enrollee refuses such consultation or counseling pursuant to subsection (e) of such Code section. In

addition, the enrollee shall receive information indicating what he or she should do if the integrity of the packaging or medication has been compromised during shipment;

(B) In accordance with clinical and professional standards, the State Board of Pharmacy shall promulgate a list of medications which may not be delivered by the mails or other common carriers. However, until such list is promulgated, the group model health maintenance organization shall not deliver by use of the mails or other common carriers Class II controlled substance medications, medications which require refrigeration, chemotherapy medications deemed by the federal Environmental Protection Agency as dangerous, medications in suppository form, and other medications which, in the professional opinion of the dispensing pharmacist, may be clinically compromised by distribution through the mail or other common carriers;

(C) The pharmacy shall utilize, as appropriate and in accordance with standards of the manufacturer, United States Pharmacopeia, and Federal Drug Administration and other standards adopted by the State Board of Pharmacy, temperature tags, time temperature strips, insulated packaging, or a combination of these; and

(D) The pharmacy shall establish and notify the enrollee of its policies and procedures to address instances in which medications do not arrive in a timely manner or in which they have been compromised during shipment and to assure that the pharmacy replaces or makes provisions to replace such drugs.

For purposes of this paragraph, the term 'group model health maintenance organization' means a health maintenance organization that has an exclusive contract with a medical group practice to provide or arrange for the provision of substantially all physician services to enrollees in health benefits plans of the health maintenance organization;"

SECTION 2.

Code Section 26-4-80 of the Official Code of Georgia Annotated, relating to dispensing prescription drugs, electronically transmitting drug orders, refills, and Schedule II controlled substance prescriptions, is amended by striking paragraphs (1) and (5) of subsection (c) and inserting in their places the following:

"(1) Electronically transmitted prescription drug orders shall be transmitted by the practitioner or, in the case of a prescription drug order to be transmitted via facsimile, by the practitioner or the practitioner's agent under supervision of the practitioner, to the pharmacy of the patient's choice with no intervening person or intermediary having access to the prescription drug order. For purposes of this paragraph, 'intervening person or intermediary' shall not include a person who electronically formats or reconfigures data or information for purposes of integrating into and between computer or facsimile systems of practitioners and pharmacists;"

"(5) An electronically encrypted, issued, or produced prescription drug order transmitted from a practitioner to a pharmacist shall be considered a highly confidential transaction and the said transmission, issuance, or production shall not be

compromised by unauthorized interventions, control, change, altering, manipulation, or accessing patient record information by any other person or party in any manner whatsoever between the time after the practitioner has electronically transmitted, issued, or produced a prescription drug order and such order has been received by the pharmacy of the patient's choice. For purposes of this paragraph, 'unauthorized interventions, control, change, altering, manipulation, or accessing patient record information' shall not include electronic formatting or reconfiguring of data or information for purposes of integrating into and between computer or facsimile systems of practitioners and pharmacists;"

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

Representative Graves of the 137th moved that the House adopt the report of the Committee of Conference on HB 246.

On the motion, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Crawford	Hill, C.A	Y Martin	Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
E Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	E Day	Y Horne	McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	E McClinton	Y Setzler
Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
Y Beasley-Teague	Y Dollar	Y Hugley	E Mills	Y Sims, C
Y Benfield	Y Drenner	Y Jackson	Y Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Morgan	Y Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Mosby	Y Smith, L
Borders	Y Epps	Y Jenkins	Y Mosley	Smith, P
Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	E Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	E Forster	Y Keen	O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	E Orrock	Stephenson
Burkhalter	Freeman	Y Kidd	Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Golick	Y Lakly	Y Porter	Y Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Randall	Y Warren
Y Chambers	Hanner	Y Lindsey	Y Ray	Watson
Y Channell	Y Harbin	Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Lucas	Y Reese	Y Williams, A
Cole	Y Heard, K	Lunsford	Y Rice	Y Williams, E

Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Y Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	E Hill, C	Marin	Y Rynders	Richardson, Speaker

On the motion, the ayes were 146, nays 0.

The motion prevailed.

Due to a mechanical malfunction, the vote of Representative Randall of the 138th was not recorded on the preceding roll call. She wished to be recorded as voting "aye" thereon.

Representative Keen of the 179th moved that the House do now adjourn until 1:00 o'clock, P.M., Monday, March 6, 2006, and the motion prevailed.

Pursuant to the adjournment Resolution previously adopted by the House and Senate, the House adjourned until 1:00 o'clock, P.M., Monday, March 6, 2006.